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CALIFORNIA AND NEW MEXICO.

SPEECH

OF

MR. JOHN A. ROCKWELL,

OF CONNECTICUT.

IN

RELATION TO SLAVERY IN THE TERRITORIES :

DELIVERED

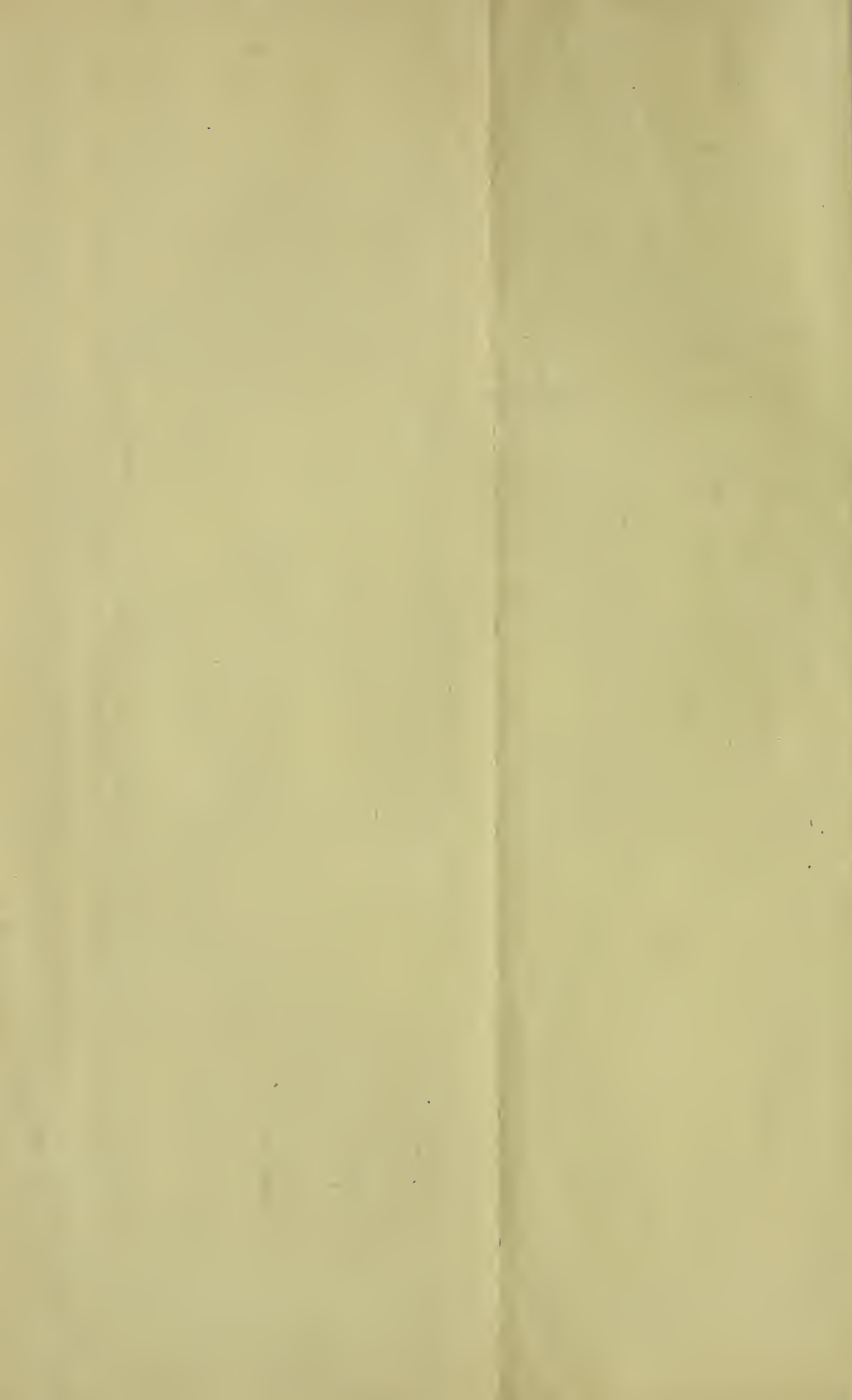
IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

FEBRUARY 17, 1849.

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1849.



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IN RELATION TO SLAVERY IN THE TERRITORIES:

Delivered in the House of Representatives of the United States, February 17, 1849.

The House being in Committee of the Whole on the state of the Union,

Mr. J. A. ROCKWELL said—

Mr. CHAIRMAN: The legislature of Connecticut, on the 24th of June, 1847, passed the following resolutions, which have been presented to the House of Representatives and printed:

“Whereas, in consequence of the admission of Texas into the Union, and of the order of the President, without the authority of the constitution or the law, directing troops to march into territory in the occupation of Mexico, a state of war exists between the United States and Mexico, conducted at a great expense of life and treasure, and which may result in the acquisition of large portions of territory, hereafter to be made States of the Union: Therefore,

“Resolved, That if any territory shall hereafter be acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

“Resolved, That the Senators and Representatives in Congress from this State be requested to use their best efforts to carry into effect the views expressed in the foregoing resolution.”

“Resolved, That his excellency the Governor be, and he is hereby, requested to transmit to the executives of the several States of the Union, requesting that the same may be submitted to the legislatures of the several States, copies of the preamble and resolutions on slavery passed by this assembly; and that he also be requested to transmit the same to the Senators and Representatives of this State in the Congress of the United States.”

These resolutions were, by the Governor of the State, under the direction of the legislature, transmitted to the Governors of the several States, with the request that they should be laid before their respective legislatures. The Governor of the State of Virginia, last year, in communicating these resolutions to the legislature of that State, commented at length upon them. I will read one or two extracts from his communication on this subject:

“The South never can consent to be confined to prescribed limits. She wants and must have space, *if consistent with honor and propriety*. It is due to the happiness and interests of her population, and to no portion of it more than to the slave himself. Confine her to prescribed limits—allow emigration to the white man, and forbid it to the slave—and the consequence is obvious. Her slaves will rapidly accumulate, the white man must emigrate, and finally the slave will become the owner of the present slaveholding States. Nothing can arrest this result, under such a policy, but the adoption of some means on the part of the whites to prevent the increase of slaves, by well known checks upon population, or by sending off the worthless and unproductive to the non-slaveholding States. These are grave and unpleasant views of this important question; but it is well at once to look them firmly in the face, and boldly present them to public consideration.”

The Governor concludes his remarks upon this subject in these words:

“In view of these considerations, and others which readily present themselves, I recommend the adoption of a resolution, without argument or comment, in which Connecticut shall be informed that, if the policy of her resolutions prevails, it will sacrifice our priceless, glorious Union.”

In pursuance of the same views the legislature of the State of Virginia passed sundry resolutions, during the last and present sessions, in relation to the subject of slavery, from which I will read a few extracts:

"5. *Resolved, unanimously*, That the passage of the above mentioned proviso makes it the duty of every slaveholding State, and of all the citizens thereof, as they value their dearest privileges, their sovereignty, their independence, their rights of property, to take firm, united, and concerted action in this emergency."

"II. *Resolved*, That we regard the passage of a law by the Congress of the United States, abolishing slavery or the slave trade in the District of Columbia, as a direct attack upon the institutions of the southern States, to be resisted at every hazard.

"III. *Resolved*, That in the event of the passage by Congress of the 'Wilmot Proviso,' or any law abolishing slavery or the slave trade in the District of Columbia, the Governor of this Commonwealth is requested immediately to convene the legislature of this State (if it shall have adjourned) to consider of the mode and measure of redress."

With regard to the resolutions of the legislature of my own State, I agree with every word and sentiment which they contain; and it is my present purpose to sustain and enforce, as far as I can, the opinions and statements expressed in them. I place in juxtaposition with them the comments of the Governor of the most prominent of the slaveholding States, and the declarations of its legislature, on the subject of slavery, and I prefer to take the State of Virginia and comment on its action on this subject, because I design, before closing my remarks, out of her own mouth to condemn her, and to show that least of all, and last of all of any of the States of this Union, should Virginia use such language in reference to the exercise by Congress of legislative power over these Territories on the subject of slavery. All that I will now say in relation to these Virginia declarations is, that I hold in the utmost contempt any and all threats from any quarter of disunion for this cause; as was well remarked the other day, the only thing more absurd than the threats themselves is any alarm in consequence of them. It is quite time, sir, that it should be understood that the language of menace is unfit to be addressed by any one State to its associates, and should be met with defiance or derision.

But my present purpose is to vindicate and enforce the soundness of the opinions and statements in the resolutions of Connecticut, which seem to have been so ill received in the ancient Commonwealth of Virginia, and to show not only that Congress has the power under the Constitution to legislate on this subject, but that the power in this instance should be exercised as it has been exercised in repeated instances from the origin of the Government to the present time.

The power to legislate on the subject of slavery, or on any other subject connected with the Territories, must reside somewhere; where is this attribute of sovereignty vested? It must be either in the States in their individual capacity, in the people of the Territories, or in Congress.

Had it not been urged with great earnestness that this power rested in the States as sovereigns, it would seem scarcely necessary to say that it seems quite impossible and absurd that any such power should be claimed to reside in the States. How is this power to be exercised? The laws of no two States are the same on any subject; they differ very widely even in the slave States on the subject of slavery. If the laws of the slave States on the subject of slavery are to be carried to the Territories, those of the free States on the same subject should be carried also. Nor would it be in relation to slavery alone that this conflict would arise? The same difficulties would occur in relation to the descent and transfer of property, and, indeed, in reference to every possible subject of legislation. If this claim of State sovereignty and rights over these Territories means anything, it means that the legislative power over them is to be exercised by thirty distinct independent sovereignties. It is not true, as a matter of constitutional right, that the law of property should be to the citizen of any State removing into a Territory the law of the State from which he came. It is a mere assumption, not sustained by any provision in the Constitution, or any practice under the Government, nor is it possible that any such state of things should for one moment exist.

Now, sir, is the claim, that this sovereign power of legislation resides in the people of the Territories any more sound or tenable?

This has been a favorite doctrine of many persons, and seems to have been the opinion of the unsuccessful Democratic candidate for the Presidency. It is somewhat difficult to understand, however, what are the views of the advocates of this doctrine. Does this power, said to reside in the people of the Territories, extend to all subjects of legislation? If not, where is the line; and what subjects are excluded; and on what principle is the distinction taken? Are all the *laws* of the United States nugatory there? Are they absolutely sovereign? Are the revenue laws applicable to them? Can any tax be imposed upon them? Can we interfere with the form of their government? The Constitution provides in relation to new States; but what are the extent and limits of the jurisdiction of these new sovereignties? Can New Mexico and California form their own territorial governments, set Congress at defiance, and so continue forever? Where is the power in the Constitution which can be used to coerce them to become States of the Union?

It would, under this hypothesis, be difficult to see what the United States have gained by the acquisition of any of its territories, if these doctrines are sound and the provinces acquired could form themselves into independent sovereignties, and so continue as long as it suited them.

Besides, sir, this assertion is perfectly gratuitous, unsustained by any provision of the Constitution or practice of the Government, and leading to the most absurd results. It is by the United States as a *nation* that these and other territories have been acquired, either by conquest or negotiation, and they must be so held and governed. It is with us, as among the great Powers of the world, that foreign nations have treated in relation to these various territories acquired at different times. In the treaty for the acquisition of Louisiana, the French government "cedes to the United States forever and *in full sovereignty* the said territory, with all its rights and appurtenances;" and, in the Florida treaty of 1819, the Spanish government "cedes to the United States *in full property and sovereignty* all the territories," &c., and in both these treaties the United States make sundry stipulations concerning the persons and property in these Territories, requiring the legislation of Congress. And yet it is seriously contended that, after the various territories have been purchased and paid for, the Frenchmen of Louisiana, or the Spaniards of Florida, or the Mexicans of California and New Mexico, can, immediately after the cession of these territories, establish for themselves an independent government; and if the United States see fit to pass any act of Congress prescribing a territorial government for them, they may, as claimed by a distinguished member from Virginia, (Mr. BAYLY,) reject it if they see fit; or, treating it as a kind offer of a form of government tendered to them, after the manner of Mr. Locke, adopt it just so far and for just so long a time as they may please.

But, sir, those claims are perfectly novel. They have, so far as I know, never been presented until within some two or three years past. The power of Congress over the Territories has been constantly exercised, as well in relation to slavery as other subjects of legislation, from the time of the adoption of the Constitution to this hour. That power has been recognised in the courts of several of the slave States, and never denied by any, and been expressly so decided by the Supreme Court of the United States. Virginia and Virginia men have been prominent in the recognition of this right and the exercise of it. I deem it proper to give a brief history of the legislation on this subject.

On the 13th July, 1787, before the adoption of the Constitution of the United States, the old Congress adopted the famous ordinance entitled "an ordinance for the government of the territory of the United States northwest of the Ohio river." The sixth article was in the following words: "There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted; provided, always, that any person escaping into the same from labor or service lawfully claimed in

any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

It appears from the journal of July 16, 1787, as follows: "The committee, consisting of Mr. Carrington, (of Virginia,) Mr. Dane, (of Mass.), Mr. R. H. Lee, (of Virginia,) Kean, (of S. C.), Smith, (of N. Y.), to whom was referred the report of a committee touching the temporary government of the western territory, reported an ordinance for the government of the U. S. territory northwest of the river Ohio; which was read a first time."

On the 13th July, it was read the third time, and passed. There were eight States represented and voting, of which five were then and are now slave States, viz: Delaware, Virginia, North and South Carolina and Georgia, and Massachusetts, New York and New Jersey. The vote of the States was unanimous, and also of all the members from the States, except only Mr. Yates, of New York.

It will be seen, sir, that this was the Wilmot proviso of that day—the very proviso in terms which the honorable gentleman from Pennsylvania (Mr. WILMOT) copied and introduced as an amendment to the Three Million bill some two years ago. It should also be borne in mind that when this proviso was adopted in the ordinance of 1787, slavery to some extent existed in a portion of the Northwest Territory, and that it was adopted against the wishes of probably a majority of the inhabitants of that territory; and yet, sir, Virginia, who at that early period took so prominent a part in its adoption, when the legislature of Connecticut recommended the introduction of the very same provision in relation to territory now free, and desired (certainly not opposed) by the inhabitants of the Territory, deems it in good taste and sound patriotism to threaten a dissolution of the Union, as a consequence of following the example of that commonwealth in its better days!

It has been claimed by a distinguished member from Virginia, (Mr. BAYLY,) that "the sixth article of this ordinance (the one relating to slavery) was always treated as a nullity in the Territory itself;" and in proof of that he cites the third section of the act of 1793 in relation to fugitive slaves, which provided: "That when a person, held to labor in any of the United States or in either of the Territories on the northwest or south of the Ohio, under the laws thereof, shall escape into any other of the said States or Territories, the person to whom such service or labor shall be due," &c.

The gentleman is, I think, clearly mistaken in his facts and reasoning on this point. There was an express exception in the ordinance itself, which enabled a certain portion of the inhabitants of that Territory to retain their slaves. The following is a proviso to the second section of the ordinance: "Saving, however to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs, now in force among them, in relation to the descent and conveyance of property."

This act has received a judicial construction to this effect, but it has been decided that it did not apply to slaves born after the passage of the ordinance of 1787.

The case of *Menard vs. Aspasia*, in 5 Peters, 506, before the Supreme Court of the United States, although not deciding this point, presents the following facts:

"The mother of Aspasia, a colored woman, was born a slave at Kaskaskia, in Illinois, previous to 1787, and before that country was conquered by Virginia. Aspasia was born in Illinois subsequent to the passage of the ordinance for the government of that territory. Aspasia was afterwards sent a slave to Missouri. In Missouri Aspasia claimed to be free under the ordinance for the government of the territory northwest of the river Ohio, passed 13th July, 1787. The supreme court of Missouri decided that Aspasia was free," &c.

The case was decided by the Supreme Court, and the writ of error was dismissed on technical grounds, and not involving the merits of the controversy.

Indeed, so far were the people in the Northwest Territory from considering the ordinance a nullity, that they repeatedly petitioned Congress to suspend the sixth article of the ordinance. On the 21st January, 1807, a resolution was passed unani-

mously by the territorial legislature of Indiana that to suspend the 6th article of the ordinance "would be highly advantageous to the said Territory, and meet the approbation of at least nine-tenths of the good citizens thereof." These applications were, however, uniformly refused by Congress, and the ordinance, so far from being a nullity, effectually abolished slavery in the whole Territory against the wishes of the people. After the adoption of the present Constitution of the United States one of the very first legislative acts was "An act to provide for the government of the territory northwest of the river Ohio." This act was passed on the 7th August, 1789, and the preamble is as follows:

"Whereas, in order that the ordinance of the United States in Congress assembled for the government of the territory northwest of the river Ohio may *continue to have full effect*, it is requisite that certain provisions should be made to adapt the same to the present Constitution of the United States."

This recognition was clearly equivalent to an original enactment of this ordinance by Congress.

In relation to the Territories and States formed out of this territory, there was, in every instance, a positive re-enactment of this ordinance.

As there have been some very erroneous statements made in this House, in previous discussions, in relation to the phraseology of those provisions, and the effect of them, I think it best, at the hazard of wearying the committee, to give, with some detail, the facts on this subject.

On the 7th May, 1800, Congress passed "An act to divide the territory of the United States northwest of the Ohio into two separate governments," constituting Indiana Territory. The second section was as follows:

"That there shall be established, within the said territory, a government in all respects similar to that provided by the ordinance of Congress passed on the 13th July, 1787, for the government of the territory of the United States northwest of the river Ohio, and the inhabitants thereof shall be entitled to and enjoy all and singular the rights, privileges, and advantages granted and secured to the people by the said ordinance."

In the act for the admission of Ohio into the Union, and the meeting of the convention to form a "constitution and State government," there is the following proviso:

"*Provided*, The same shall be republican, and *not repugnant to the ordinance of the 13th July, 1787*, between the original States and the people and States of the territory northwest of river Ohio."

On the 19th April, 1816, "An act to enable the people of Indiana Territory, to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was passed by Congress; to the fourth section of which there was this proviso:

"*Provided*, That the same, whenever formed, shall be republican, and not repugnant to *those articles of the ordinance of the 13th July, 1787, which are declared to be irrevocable* between the original States and the people and States northwest of the river Ohio, excepting so much of said articles as relates to the boundaries of the States therein to be formed."

It should be borne in mind, Mr. Chairman, that this sixth article is one of the articles which, in the ordinance itself, are declared to be *irrevocable*.

To the resolutions for finally admitting the State of Indiana into the Union, passed on the 11th December, 1816, there is the following preamble:

"Whereas, in pursuance of an act," &c., "the people of said territory," &c., "did form, for themselves a constitution and State government; which constitution and State government, so formed, is republican, and in conformity with the principles of the articles of compact between the original States and the people and States in the territory northwest of the river Ohio, passed the 13th July, 1787," &c.

The act providing for the adoption of a constitution by the people of Illinois, preparatory to its admission, passed on the 18th April, 1808, contains similar provisions on this subject to the act concerning Indiana; and the preamble to the resolutions for its admission into the Union is in the same precise terms as in the case of Indiana.

The act for the territorial government of Michigan, passed on the 11th January, 1805, contained provisions similar to those which I have mentioned before.

In an act for the establishment of a territorial government for the Territory of Wisconsin, passed April 20, 1836, in addition to the provisions in relation to the other

territories, it was provided that the inhabitants should "be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said territory" northwest of the river Ohio.

In the act for the establishment of a government for Iowa Territory it was provided that the inhabitants should "be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin."

Such is a brief history in relation to the legislation as to the free territory and the States formed out of it. It would have seemed that language could not have been more explicit or better fitted to convey the idea of the re-enactment of the ordinance of 1787 in relation to them all, including, of course, the exclusion of slavery from these Territories and States. Such was always the understanding on this subject, and such the practical construction given to their various provisions, until very recently, when the necessity of being relieved from this overwhelming weight of precedent has led some gentlemen from the South to seek, by ingenious and sophistical arguments, to evade or pervert the plain facts in the case.

But, sir, as this question of the constitutional power of Congress to legislate on the subject of slavery in the Territories is one of the utmost importance, and for the proposed exercise of which Virginia, and some other States, propose to dissolve the Union, I do not feel justified in omitting to present all the precedents on this question within my reach. The provisions of the different acts of Congress, in relation to the territories at the southwest and south, present the subject in a still stronger light and with more conclusive force.

Mississippi Territory was organized on the 7th April, 1791, and the act provides:

"And the President of the United States is hereby authorized to establish therein a government, in all respects similar to that now exercised in the territory northwest of the river Ohio, *excepting and excluding the last article of the ordinance made for the government thereof by the late Congress on the 13th July, 1787.*"

Can there be stronger evidence of the recognition of the power to legislate on this subject? The very exception of this sixth article, which excluded slavery, is an acknowledgment not only of the validity of the ordinance, but of its binding force, where no exception was made. And it is further shown that, without an express exception, the previous general terms would introduce the whole ordinance as the law of the Territory, including the provision excluding slavery; and these previous general terms are precisely the terms used in relation to the Territories to which I have already referred.

But the provisions of "An act erecting Louisiana into two territories and providing for the temporary government thereof," passed on the 26th March, 1804, are still more important in connection with this question. The tenth section of that act, which is too long to be quoted in full, provides: 1st. Against the importation of any slaves from any place without the limits of the United States into the Territory. 2d. Against the importation into the Territory of any slave, from any place within the territory of the United States, who had been introduced into the United States since 1st May, 1798, or which should thereafter be introduced. 3d. That no slave should be introduced into said Territory, "except by a citizen of the United States removing into said Territory for actual settlement, and being, at the time of such removal, bona fide owner of such slave or slaves." The penalty of a violation of either of these provisions was a fine of \$300 and the freedom of the slave.

Here, then, is an act of Congress, passed more than forty years since, under the administration of a distinguished son of Virginia, prohibiting, in this Territory, the introduction of slaves from abroad, when, by the provisions of the Constitution of the United States, they could not be excluded from the States prior to the year 1808, and were not so excluded; and not only so, but prohibiting the introduction of any slave who had been or should be imported after 1st May, 1798, and even confining the introduction of slaves entirely to citizens of the United States and actual settlers. And all this in the section of country said to be best fitted for slave labor, and where it was then in existence.

No question as to constitutional power was raised when this act was passed. Virginia did not threaten to dissolve the Union. Her members probably voted for the bill; certainly one of her most distinguished citizens gave his signature to it. This bill might, with much more propriety, have been objected to by the statesmen of that day, than the proposition to shut slavery out of free territory. It might have been urged that, the Constitution prohibiting the abolition of the slave trade prior to 1808, no right existed to abolish it in the Territories prior to that time. They might have contended, with some of the free soil Democrats of the present day, that there was a vast difference between the exclusion of slavery from, or the limitation of it in, Territories where slavery existed at the time of their admission, and the exclusion of it from free territory. But they took no such ground.

It is most surprising, Mr. Chairman, that with such acts of legislation as this, participated and concurred in by the southern States, that they should, at this late day, have the face to object to the introduction of the sixth article of the ordinance of 1787 into the territorial bills for the government of New Mexico and California. We have a right to complain, sir, that the South should have ever opposed this proviso. When they assume the position of people who are aggrieved, and whose rights and privileges are assailed, we may be surprised and regret the strange and unreasonable opinions and claims set up by them. But when they undertake to talk of resistance and threaten a dissolution of the Union, it is difficult to say whether that opinion and absurd declaration would excite indignation or derision.

In connexion with this legislation in relation to Louisiana, I wish particularly to call the attention of the House to some proceedings in Congress, of a similar character, in the year 1806, to which, so far as I know, public attention has not been heretofore directed.

It appears, by the journal of the House of Representatives of the first session of the 9th Congress, that, on the 7th February, 1806, the following resolution was adopted:

"Resolved, That a committee be appointed to inquire whether any, and, if any, what additional provisions are necessary to prevent the importation of slaves into the Territories of the United States.

"Ordered, That Messrs. Williams, (of S. C.,) Jackson, (Va.,) Spalding, (Ga.,) Kelcy, (Pa.,) and Blackledge, (N. C.,) be appointed a committee in pursuance of said resolution."

On the 17th February, Mr. David R. Williams, on behalf of this committee, made a report. This report was committed to the Committee of the Whole, and, having been considered in committee, on the 28th February, 1806, the following resolution was adopted by the House of Representatives:

"Resolved, That it shall not be lawful for any person or persons to import or bring into any of the Territories of the United States any slave or slaves that may hereafter be imported into the United States."

"Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. David R. Williams, and Messrs. Johnson, Spalding, Kelcy, and Blackledge, do prepare and bring in the same."

On the 27th March, the following bill was reported and committed to the Committee of the Whole House on the State of the Union, viz:

"A bill to prohibit the introduction of slaves into the Mississippi Territory and the Territory of Orleans.

"Be it enacted, &c. That it shall not be lawful for any person or persons to import or bring into the Mississippi Territory or the Territory of Orleans, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves who shall have been imported since the first of January, 1803, into any port or place within the limits of the United States, or who may hereafter be so imported, from any port or place without the limits of the United States, and any person or persons so offending, and being thereof convicted before any court, within the said Territories, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of five hundred dollars, one moiety for the United States, and the other moiety for the use of the person or persons who shall sue for the same. Provided, That nothing in this act contained shall be construed to prevent any citizen of the United States removing into either of the said Territories, for actual settlement, from carrying with him any slave or slaves that he shall be bona fide owner of at the time of such removal.

"Sec. That so much of any act or acts as are repugnant with this act, shall, from and after the first day of April, 1806, be repealed, and the residue of said acts shall continue in force until repealed."

No further action appears to have been taken in relation to this bill.

It will be seen, sir, that four out of five of the committee that reported the resolution and bill were southern men, and that South Carolina and Virginia stood prominently forward on this as on other occasions. Nor is it merely as a recognition of constitutional power that I would refer to this action of southern gentlemen on this question of slavery. We heard nothing then from the southern statesmen of that day about Louisiana having been acquired by the common treasure of the nation, and that southern men were aggrieved and injured by any restriction upon their occupying this country with their slaves. They not only co-operated with the North in the exclusion of slavery from the Northwest Territory, where the climate was unpropitious, but they took the lead in seeking to restrict and regulate the introduction of slavery into the very heart of the slave country. They regarded slavery as a serious evil, and one which they would not willingly extend to new territory.

I have not time, sir, to give in detail the legislation of Congress in relation to some of the other Territories. The Territory of Orleans was organized on the 2d March, 1805, in which the ordinance of 1787 was adopted, with the exception of the sixth article on the subject of slavery, and one other on another subject. It has been asserted on this floor that this act repealed the 10th section of the act of the 26th March, 1804. It is not at all essential, for the purpose of our argument, whether it was or was not so repealed; but a careful examination of the acts, to which I refer gentlemen, will show that this assertion is erroneous.

In relation to the legislation as to the Missouri Territory in 1812, and the admission of Missouri into the Union in 1820, they are too well known to require that I should repeat that to which reference has been so often made.

In relation to Florida, so recently as 30th March, 1822, in "an act to establish a territorial government in Florida," it is provided "that it shall not be lawful to import slaves," &c.; "and every slave so imported or brought shall thereafter become entitled to and receive his or her freedom."

It should be remarked not only that all these acts of legislation sanction legislation on the subject of slavery in these Territories, but the provision that the slave shall be free when introduced from abroad into the Territories of Louisiana, Missouri, and Florida, and other provisions on the subject, are different from the provisions on the subject of the slave trade as applicable to the States.

In addition to these various acts of Congress to which I have referred, Congress has always possessed, and often exercised, the power of repealing acts of the territorial legislatures. I will only refer to an instance in relation to the Territory of Florida. The territorial legislature of Florida having passed a law imposing a higher tax on the slaves of non-residents than on those of persons residing in the Territory, Congress, by an act passed on the 30th June, 1834, repealed that law; asserting, indeed, no novel power, but one which is so vehemently denied by the Solons of the present day.

I have thus, sir, in order to show the utter absurdity and folly of the denial of constitutional power in Congress to legislate on this question in the Territories, accumulated the proofs, at the hazard of wearying the House by these details. It shows that the practice of the Government has been uniform on this subject; that the power has been asserted from the beginning, and never seriously questioned until very recently. The Judiciary, the Executive, and the Legislative departments have all not only acknowledged but established the permanent right of Congress on that subject.

I have not the time to refer to the opinions of individual statesmen on this question, fully sustaining the views which I have taken. Those of Mr. Madison are, however, too important, from his position, to be omitted, especially in opposition to views of Virginia politicians of the present day. In the House of Representatives,

in March, 1790, a debate arose on committing the memorial of the Quakers on the slave trade. From the report of this debate, in 4 Elliott's Debates, 213, I will read the remarks of Mr. Madison:

"Mr. Madison entered into a critical review of the circumstances respecting the adoption of the Constitution; the ideas upon the limitation of the powers of Congress in the regulations of commerce in slaves, and showing that they were not precluded from interfering in their importation; and generally to regulate the mode in which every species of business should be transacted. *He adverted to the western country, and the cession of Georgia, in which Congress have certainly the power to regulate the subject of slavery; which shows that gentlemen are mistaken in supposing that Congress cannot, constitutionally, interfere in the business in any degree whatever.*"

And yet, sir, when Connecticut urges upon Congress to exercise this very power, considered by Mr. Madison undeniable, the Governor of Virginia recommends that "Connecticut shall be informed that if the policy of her resolutions prevails, it will sacrifice our priceless, glorious Union!"

But, sir, I hasten to the consideration of the question whether Congress ought to exercise this power; and I am as clear as to the *duty* as I am in relation to the *right* and *power* of Congress with regard to New Mexico and California.

In the first place, sir, in addition to the wrong done to the slave, slavery is a great social and political evil. It is strange, sir, that this proposition should ever have been denied; and it is not now denied even by a very large portion of the citizens of the slave States. In many of those States, if the question were now to be presented as a new one, few could be found to desire the introduction of slavery. A very serious effort has been made at different times to adopt measures to remove this great evil, by citizens of some of the slaveholding States. And it is very strange, under these circumstances, that they should desire its extension.

I prefer, sir, on this question, to take the testimony of southern men of high standing, and as I suppose in every instance slaveholders themselves—and shall confine myself to the distinguished men of Virginia alone.

Mr. Jefferson has been so often quoted on this question, I will read but a single passage, showing his opinion.

In a letter to Mr. Holmes, of Maine, on the Missouri question, cited in Tucker's life of Jefferson, he says:

"On the subject of slaves, there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in any practicable way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if in that way a general emancipation and expatriation could be effected, and gradually with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him nor safely let him go. Justice is in the one scale and self-preservation in the other."

Patrick Henry remarked, in a debate on this subject: "Slavery is detested. We feel its fatal effects. We deplore it with all the piety of humanity," &c.

In the year 1832, an exceedingly interesting debate arose in the Virginia legislature in relation to certain propositions for the general abolition of slavery in that State. From this debate I would refer quite at length to the able and eloquent remarks of a number of the distinguished members of that legislature.

I will read some extracts from a few of the speeches then made.

Gen. W. H. Brodnax, of Dinwiddie, said:

"That slavery in Virginia is an evil, and a transcendent evil, it would be idle and worse than idle for any human being to doubt or deny. It is a mildew which has blighted in its course every region it has touched from the creation of the world. Illustrations from the history of other countries and other times, might be instructive and profitable, had we time to review them; but we have evidences tending to the same conviction, nearer at hand, and accessible to daily observation, in the short history of the different States of this great confederacy, which are impressive in their admonitions and conclusive in their character," &c.

The Hon. C. J. Faulkner remarked:

Slavery, it is admitted, is an evil; it is an institution which presses heavily against the best interests of the State. It banishes free white labor; it exterminates the mechanic, the artisan, the manufacturer; it deprives them of occupation; it deprives them of bread; it converts the energy of a community into indolence, its power into imbecility, its efficiency into weakness. Sir, being thus injurious, have we not a right to demand its extermination? Shall society suffer that the slaveholder may continue

to gather his *crop* of human flesh? What is his mere pecuniary claim, compared with the great interests of the common weal? Must the country languish, droop, die, that the slaveholder may flourish? Shall all interests be subservient to one—all rights subordinate to those of the slaveholder? Has not the mechanic, have not the middle classes, their rights—rights incompatible with the existence of slavery?

The Hon. T. J. Randolph said :

Slavery has the effect of lessening the free population of a country. The wealthy are not dependant upon the poor for those aids and those services, compensation for which enables the poor man to give bread to his family. The ordinary mechanic arts are all practised by slaves. In the servitude of Europe in the middle ages, in years of famine, the poor had to barter their liberty for bread; they had to surrender their liberty to some wealthy man to save their families from the horrors of famine. The slave was sustained in sickness and famine upon the wealth of his master, who preserved him as he would any other species of property. All the sources of the poor man's support were absorbed by him. In this country he cannot become a slave, but he flies to some other country more congenial to his condition, and where he who supports himself by honest labor is not degraded in his caste. Those who remain, relying upon the support of casual employment, often become more degraded in their condition than the slaves themselves.

The Hon. James Marshall said :

Wherefore, then, object to slavery? Because it is ruinous to the whites; retards improvement; roots out an industrious population; banishes the yeomanry of the country; deprives the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and support. The evil admits of no remedy. It is increasing, and will continue to increase, until the whole country will be inundated by one black wave, covering its whole extent, with a few white faces here and there floating on the surface. The master has no capital but what is vested in human flesh. The father, instead of being richer for his sons, is at a loss to provide for them. There is no diversity of occupations, no incentive to enterprise. Labor of every species is disreputable, because performed mostly by slaves. Our towns are stationary, our villages almost every where declining, and the general aspect of the country marks the curse of a wasteful, idle, reckless population, who have no interest in the soil, and care not how much it is impoverished. Public improvements are neglected; and the entire continent does not present a region for which nature has done so much, and art so little. If cultivated by free labor, the soil of Virginia is capable of sustaining a dense population, among whom labor would be honorable, and where "the busy hum of men" would tell that all were happy and that all were free.

Extracts from the speech of the Hon. James McDowell :

We know that the picture is the "counterfeit presentment" of the true one. We know that inefficiency and languor characterize our movements; that enterprise is scarcely known to us, but from observation of its influence on other communities. We know that the blessings of our position, and soil, and climate, are counterbalanced by the apathy of our public councils, and by our exclusive reliance upon involuntary labor. Our interests and senses proclaim the progress of general decline; conscience and experience attest that slavery is its principal cause. Is it not so? When we look at Virginia as a whole, without pausing upon the bright and the beautiful that still show forth as intrinsic qualities *of her character*, but look at her in reference to her every-day practical habit and appearance, is she not anything but prosperous? Do we not, in this respect, contemplate her justly when we regard her as meager, haggard, and enfeebled—with decrepitude stealing upon her limbs—as given over to leanness and impotency, and as wasting away under the improvidence and inactivity which eternally accompany the fatal institution that she cherishes—and cherishes, too, as a mother who will hazard her own life rather than part even with the monstrous offspring that afflicts her? Sir, it is true of Virginia, not merely that she has not advanced, but that in many respects she has greatly declined. And what have we got as a compensation for this decline—as a compensation for this disparity between what Virginia is and what she might have been? Nothing but the right of property in the very beings who have brought this disparity upon us. This is our pay; this is what we have gotten to remunerate us for our delinquent prosperity—to repay us for our desolated fields, our torpid enterprise; and, in this dark day of our humbled importance, to sustain our hopes and to soothe our pride as a people.

But, sir, it is in this very circumstance, in this alleviated and improved condition, that we have a principal cause of apprehension from the slave. You raise his intelligence with his condition, and, as he better understands his position in the world, he were not man if it did not the more inflame his discontent. That it has this effect we all know; for the truth is proverbial, that a slave is the more unhappy as he is the more indulged. It could not be otherwise: he follows but the impulse of human nature in being so. Introduce him step after step into the enjoyments of the estate from which he has fallen, and yet proclaim to him that he is never to regain it, and his heart rejects every favor but the favor which is denied. As you benefit his external condition, then you do not better him as a slave; but, with feelings of increased discontent, you improve his intellect, and thereby increase both his disposition and his capacity for the purposes of resentment. Depend upon it, sir, that he will use his capacity for such purposes—that the state of things which we boast of as the evidence of our humanity is not the state of things to be trusted in.

Let gentlemen look to the clothed and comforted and privileged condition of their slaves, and please themselves with it as an achievement of kindness; but see to it, sir, if it be not a mask of mischief,

a covering which hides from the eye the fire of a future explosion. Lift up the condition of the slave, and you bring him in nearer contact with the liberty he has lost; you deepen upon his heart, irrevocably deepen, the image of that idol of which man is every where the worshipper. And is this safe? Or think you that no such consequence occurs, that the slave, crawling in the dust, has none of the generous feelings of a man—regards not and worships not the liberty which stirs the blood and wakens up the enthusiasm of the free? It might indeed be so, had not the love of liberty come to us with life, and made up a part of its character. Sir, you may place the slave where you please; you may dry up to your uttermost the fountains of his feelings, the springs of his thought; you may close upon his mind every avenue of knowledge, and cloud it over with artificial night; you may yoke him to your labors as the ox which liveth only to work, and worketh only to live; you may put him under any process which, without destroying his value as a slave, will debase and crush him as a rational being; you may do this, and the idea that he was born to be free will survive all. It is allied to his hope of immortality; it is the ethereal part of his nature, which oppression cannot reach; it is a torch lit up in his soul by the hand of the Deity, and never meant to be extinguished by the hand of man."

The Hon. Henry Berry said :

"Pass as severe laws as you will to keep these unfortunate creatures in ignorance, it is in vain, unless you can extinguish that spark of intellect which God has given them. Let any man who advocates slavery examine the system of laws that we have adopted (from stern necessity, it may be said) towards these creatures, and he may shed a tear upon that; and would to God, sir, the memory of it might thus be blotted out forever! Sir, we have, as far as possible, closed every avenue by which light might enter into their minds; we have only to go one step further—to extinguish the capacity to see the light—and our work would be completed. They would then be reduced to the level of the beasts of the field, and we should be safe. And I am not certain that we would not do it if we could find out the necessary process, and that under the plea of necessity. But, sir, this is impossible. And can man be in the midst of freemen, and not know what freedom is? Can he feel that he has the power to assert his liberty, and will he not do it?"

I wish not to comment upon these descriptions thus furnished to us from the distinguished men of Virginia of this enormous evil. It affords me no pleasure to read them, and still less to dwell upon this frightful picture. And yet, sir, this very State claims that a new and virgin soil, a territory now exempt from the evils of slavery, shall not continue so; and threatens to dissolve the Union if slaves are excluded from it.

It is mainly because I think it our duty as legislators to pass such laws for this extensive territory as may be for the best good of those who occupy it, and for the honor and welfare of the country—because the same obligation is imposed upon us as there would be if we were residing in the territory itself, and were called upon to adopt the wisest measures for the present and future well being of the people—it is for no narrow or sectional reasons that I consider the duty so obvious, and the exercise of the power of Congress so important. I am aware, sir, that many consider the question of political power as the important one involved, and that as Louisiana, Florida, and Texas have been added with their slave population and representation in Congress, that the recently acquired Territories should be formed into territorial governments which should secure the formation of free States. This, sir, is a very good answer to the arguments of some southern gentlemen on this subject, and to their complaints, which are whimsical enough, of their having been oppressed and injured by the free States of the Union.

But after all, sir, the question is not so much in relation to an equipoise of political power, and the preservation of any precise balance of free and slave State, as it is what is best for the entire country, and especially for that portion of it for which we are legislating? And on that question, it seems to me to be strange that there should be two opinions.

It is said, Mr. Chairman, that the climate of the country is such that slaves cannot be profitably employed there, and that it is very unnecessary for us to legislate on the subject. I mean not, sir, to enter into any discussion of this question. It is sufficient for me that this proposition is disputed; and it is a matter of some question whether they cannot be, and would not be, introduced into some portions of New Mexico and California. Sure I am, sir, that it would be the height of folly, on a question of such importance, when the introduction of a few lines would settle the question of exclusion, not to insert them; and no bill of any kind for the gov-

ernment of these Territories shall ever receive my vote which has not in it a provision similar to the sixth article of the ordinance of 1787.

Besides, sir, what I consider of no less importance is a solemn legislative declaration on this subject—a notice to the whole country, and to the world, that hereafter if any territory is to be added to this Union, it must come in as free territory. If this shall have the effect of checking the insane thirst for conquest or acquisition of new territory in any other mode, I shall not regret it. If it saves the country from the addition of Mexico, or Cuba, or Canada, to our territory, as I think it will, it will be a most auspicious result, and one at which the South, as well as the North, may well rejoice.

But it is said, sir, that this country has been acquired by the common blood and treasure of the nation—the South as well as the North; and that the South should not be excluded from the territory. There is no exclusion of southern men from this territory. They have precisely the same right to go there, and reside there, as men from the North. It is said that they cannot carry their property with them—meaning their slave property. It is by the laws of the several States that these persons are property; and it is true, that they must expect to be governed by the laws of property which prevail in the country to which they go, and not from which they come; and the question, whether that which is held as property in one State, or a portion of the States, shall be so considered, depends entirely on the legislation of Congress in whom the power resides.

Nor is it true that the southern people in a body are partially excluded from these Territories, or anything like a majority of them. A very large majority of the adult white inhabitants of the slaveholding States are not slaveholders. It is, I presume, the case in every slave State in the Union—certainly in most of them. I appeal to the gentlemen around me, representing the States of Kentucky, Tennessee, Western Virginia, North Carolina. I see that they assent to the proposition that not a fifth, in some cases but one-tenth, are slaveholders.

It is not true, then, that a majority in any of these States would find themselves incumbered with slaves if they should emigrate, with all their property, to California. It would not be difficult, I presume, to show that of those that would emigrate to New Mexico and California from the slave States, a very large proportion, four-fifths, perhaps nine-tenths, would go without slaves. Certainly a majority of them would be persons of this character. So that, if the object were to consult the interest or wishes even of the emigrants from the slave States alone, it is not at all certain that a majority of them would not be best suited by the exclusion of slavery from these Territories.

But the slave States are not alone to be consulted. It would be found a far more effectual exclusion of white men from the North by the admission of slavery in these Territories, than of southern men by the prohibition of it. I presume the fact will be found to be, that there are more emigrants from the slave States to the free States, than from the free to the slave States.

But it is said that the confining slavery within its present limits is of great injury to the slave, and in every way greatly aggravates the evil of slavery; and the diffusion of it does in no manner increase the evil of slavery, or the number of the slaves. These are, as I understand it, the views of General Cass, as set forth in his Nicholson letter, and have been urged with great earnestness by a number of gentlemen in this House, the supporters of that gentleman, as well from the North as the South. The proposition is, I think, erroneous in all its parts, both in matters of fact and of inference. It is not true that slavery is restricted within narrow limits; unless it is the design and wish of gentlemen that slavery should be fostered and encouraged, and should continue to increase for generations to come, it would seem that the territory in which it now exists was quite sufficiently extensive to satisfy any one. The area of the present slave territory, exclusive of Texas, is over six hundred thousand square miles, besides the immense and undefined territorial limits of that State. Here is range and scope enough surely for the expan-

sion of this "peculiar institution," without any danger of that confining and penning up, or any immediate ground of apprehension of a too dense population in the slave States, at which southern gentlemen seem so much alarmed.

But, sir, it is not true, in point of fact, that the diffusion of this system of slavery does not increase the number of slaves. The well known laws of population, and the experience of all past time and former generations, prove the contrary. There are natural encouragements to, and checks of, population, arising from the superabundance or the sparseness of inhabitants, which are known and recognised the world over; and in relation to such a population as the negro slaves these principles apply with increased force; and these checks upon population are not necessarily connected with any considerable amount of physical sufferings. It is surely not necessary nor desirable that I should enlarge upon this branch of political economy, but any one must know that when slaves should be of very great value, the increase of their numbers would be successfully encouraged to a far greater extent than when their value was very small, with no greater amount of physical suffering or privation in the one case than in the other.

If, however, in the course of a long period of time, the extensive portions of the country, now peopled sparsely by a slave population, should become densely populated, and the number of the slaves should so far increase as greatly to diminish their value, the result doubtless would be their eventual emancipation; but this result would be at so remote a period that it would furnish most abundant opportunity for slavery to anticipate the evil, and would lead the slave States to a resolute and serious meeting of the question, and a proper preparation for it by such means as they in their *own wisdom* might consider most just and safe. Are we, sir, in order to postpone still further the time when, by the density of population, combined with other causes, the value of slave labor shall be diminished, or wholly cease, to extend indefinitely this territory upon which this curse of slavery shall be inflicted? It will only render this crisis a still more appalling one when it does come.

No, sir, we have already, so far as this question is concerned, committed a grave error by the increased addition of slave territory to that which was originally embraced in the States of this Union. I have not the statistics before me, but I suppose by a reference to the tables of population in the several slave States it will be found that the number of slaves in the States formed out of the Louisiana and Florida purchases and Texas is not far short of the number of all in the original territory of the United States. Does any one suppose, sir, if that new territory had not been acquired, or slavery had been excluded from it, that the number of slaves would have been as large at this time, in their original limits, as it now is in the whole country? The numbers have increased with appalling rapidity, and the evil is daily becoming more and more unmanageable, and yet the insane idea is urged and pressed with apparent sincerity, that you must increase the area and add eventually of course to the number of the slaves, and postpone meeting and acting upon this dreadful question; I mean, of course, by the States, and them alone, in whose limits this system exists.

But, sir, even if the number of slaves was not increased by this diffusion of slavery, the evils of slavery would be greatly increased by doubling the area over which it would be extended. The argument, if it proves anything, leads to this result—that if the slaves now in the slave States were spread over the entire country, and diffused throughout the territory of the United States, the evil would be no greater than it now is. This I utterly deny. It would not, by so doing, seriously relieve the present slave States from those evils of slavery so eloquently depicted by the Virginia statesmen, and on the other hand would spread the blight and mildew through the entire country. It would lower free white labor; it would exterminate the mechanic, the artisan, the manufacturer, where they now are, and would not introduce them where they are not. It would not render labor reputable at the South while it became disreputable at the North. It would banish the yeomanry of the country, and deprive the spinner, the weaver, the smith, the carpenter, the

shoemaker, of employment and support at the North, and would not introduce them at the South.

It is a great mistake to suppose that the proportion of slaves should be very large in order to produce these desolating effects. A comparison of the free and slave States bordering on the Ohio river shows the contrary. The same is true in relation to the new territories, and the spread of the slaves of the South over a portion of them. It is worse than if the present non-slaveholding States should admit slavery, because it might require the slow operation of time to change the habits of a free people; but the evils would at once appear in the new regions of New Mexico and California.

Mr. Chairman, I would as soon, if in the legislature of my own State, vote to restore slavery, in order to aid in this *diffusion* of it, as standing here, with the responsibility of legislating for these new Territories, give my vote for its admission, or omit to give my vote for its exclusion now and forever. I consider the duty as imperative in the one case as in the other. I would insert this proviso when it would have, as at present, the binding force of a legislative act, or when introduced and applied, as on former occasions, with no such force, but with the scarcely less important purpose of giving a public and solemn legislative declaration that, if territory were acquired, the free States would insist that it should be free now and in all future time.

I was against the acquisition of this territory. I desired not that any root of bitterness should spring up in the midst of us. I rejoiced in giving my vote against it, and at the same time of giving fair notice that if it came in I should to the last claim that no slavery should go there. There are gentlemen now on this floor, the faithful supporters of the author of the Nicholson letter, who urged the seizing of this territory, and some of whom desired the plundering of the whole of Mexico, and seemed to take pleasure in the idea that these ill-omened acquisitions would lead to new sources of contest and heart-burnings between the different members of this great nation. I have no such pleasure. I regret most deeply, seriously regret, that any cause of alienation and unkindness should have arisen, and I rejoice to say, that those with whom it has been my honor to be associated politically, both from the North and South, united in seeking to avoid the occasion of this controversy.

As I utterly despise all *threats* of disunion, or of any other kind, proceeding from the few ultra men of the South, so do I detest and abominate the tone of low vituperation, of unmeasured and disgusting abuse, which is sometimes bestowed upon the South, and by none more recklessly, or with more bitterness, than those persons of the Democratic party who have heretofore been the friends and allies of a set of violent southern politicians.

I need not say to you, sir, or the House, that as I have in all times past, so shall I in all future time give my voice and vote in favor of freedom and against slavery; and shall seek, in the earliest and most effectual manner, to exclude it, not only from the present Territories of New Mexico and California, but from any territories which may be hereafter acquired, whether the same shall at the time include slaves or not; but I shall never vote to acquire any such territory, whether at the South or the North.

With these well known and settled opinions, and with the determination at all times to give them full effect, I can see neither patriotism, nor wisdom, nor sound policy, nor kind philanthropic and christian feeling, in seeking every occasion to wound, and irritate, and insult the feelings of the South. It has sometimes seemed as though the purpose of some gentlemen was more to give vent to personal bitterness and ill will toward the South, than any sincere desire of benefitting the slave or promoting the cause of freedom. A sneer or a sarcasm has been indulged in, even if defeating an important movement in the cause of freedom.

I have thus, sir, endeavored to show that Congress has the constitutional power, and that it ought to exercise it in excluding forever slavery from the Territories of

New Mexico and California. I wish to say a few words in relation to the origin of this whole matter.

The preamble of the Connecticut resolutions declares, that the annexation of Texas was the cause of the war with Mexico, which has resulted in the acquisition of these Territories, although, probably, that war might have been avoided were it not for the course pursued by the President.

I think it both proper and profitable to refer to the annexation of Texas, connected as it is so intimately with the subject which I am now discussing, and to show to whom it is that we are indebted for that iniquitous transaction and the long catalogue of evils which we have suffered, and which are still in store for us.

It is due to a portion of the South to say, that this measure was not so much a sectional as a party measure, and was carried through Congress by the Democratic party as such at the West and South, with the incidental aid furnished by the so-called Liberty party of that day in securing the election of Mr. Polk.

In order to show that I am correct in these statements, I refer you to the House Journal of the second session of the 28th Congress. On the 25th January, 1845, the joint resolution for the annexation of Texas having been amended in the Committee of the Whole on the state of the Union, the question arose on the adoption of the resolution, and decided on the yeas and nays—yeas 120, nays 97. Of those in the affirmative there were but seven Whigs—these were from the southern States. But eighteen southern Whigs voted in the negative. All the Democrats except twenty-eight voted in the affirmative; fifty-four of whom were from the North or non-slaveholding States. That being thus within one of one half of those in the affirmative northern Democrats. Of the Connecticut members, Mr. Catlin alone voted in the negative.

On the 28th February, 1845, these resolutions were returned from the Senate with an amendment. In this stage of the proceedings there were only two ways of defeating the whole measure of annexation. One was a certain and effectual defeat of the whole measure in every form by laying it on the table. On this vote there were, in favor of laying on the table, or defeating the measure, 59 yeas. The nays, or those against defeating the annexation project, were 120. Of these yeas, they were all Whigs but one; and all the Whigs voted for it except seven, including in the yeas seventeen southern Whigs and one northern Democrat—that is, the whole of the Whig members of the House of Representatives, including seventeen Southern Whigs, voted finally to defeat the annexation project, and only seven Whigs—six from the South and one from the North—voted on the other side. The 120, whose vote showed that they were in favor of the annexation in some form or other, were all Democrats but seven; and of the 120, seventy-eight were northern men, and only forty-two southern men, including Whigs and Democrats. Of these 78, seventy-seven were northern Democrats and only one northern Whig. It thus appears not only that there were nearly two northern members to one from the South voting for the annexation, but that the majority of northern members were greater than the majority of southern members in favor of annexation.

On the same day the question arose on the concurring in the amendment of the Senate to the resolutions. The vote stood 134 yeas and 77 nays. All Democrats, North and South, except two, voted in the affirmative; and all the Whigs, North and South, except one, voted in the negative.

On both of these last votes all the Connecticut delegation were present, and voted against laying on the table and in favor of the amendment.

Although, Mr. Chairman, this worst of all measures was carried by northern Democrats, thus voting in a body for the introduction of slave territory of an immense extent, clearly and confessedly in violation of the Constitution of the United States, and as Mr. Calhoun officially, as Secretary of State, declared in order to protect the slave interest of the South; yet, sir, some of these very men, thus voting, are men not only open-mouthed and clamorous and abusive in their professed zeal for "free soil," and denunciatory of the uniform and early and constant supporters

of freedom and free territory, but many of them do not even profess to have repented of their heinous sin in annexing Texas. They seek to make the distinction between voting to admit an *unbounded* region of slave territory, and admitting slavery into territory which they have previously annexed. This is clearly no defence, and the reasoning of these gentlemen would to-morrow justify them in voting to admit the island of Cuba with all its slaves.

I refer the House to speeches from some of the leading free soil Democrats in both Houses, during this and the last Congress, delivered in the hearing of us all. I find in the Congressional Globe, of the first session of the 29th Congress, a report of a speech of the honorable gentleman from Pennsylvania, (Mr. WILMOT,) August 8, 1846, on the Two Million bill, to which the next day, or the day following, on his motion, the famous Wilmot proviso was annexed, from which I read:

"He referred to the annexation of Texas and his affirmative vote on the proposition connected with it at this session; he was for taking it as it was. Slavery had already been established there. But if free territory comes in, God forbid that he should be the means of planting the institution upon it."

And my honorable colleague in the Senate, (Mr. NILES,) when explaining the vote he was about to give on the acceptance of the Texas constitution, is reported in the Congressional Globe, as follows:

"He had determined to vote in the affirmative. He did not regret the passage of the resolution, although he did regret that the mode, by which the object had been accomplished, had not been as acceptable as he had desired."

It will be recollected that the vote given by both these gentlemen, and all or nearly all the Democratic members of both Houses, was in favor of accepting the constitution of Texas, which absolutely prohibited the exclusion of slavery from its territory; and that among the number may be found the names of some of the most prominent members of the Free Soil party in New York and other States.

It also should not be forgotten that this very constitution of Texas paid no regard whatever to the Missouri compromise line, or the resolutions of admission recognising that line; but if Texas has any territory north of 36° 30', it is all by this constitution irrevocably slave territory.

Mr. Chairman, I have referred to the history of this greatest of political offences not only to show to whom the country are indebted for this source of endless mischief, but as being a useful lesson for the future. That history has already been written in the blood of thousands of our citizens. The prospect for the future is not bright or cheering, and where it will end and what will be the result, no human mind can foretell.

There is another lesson which these facts would teach, and that is, that those who have so recently joined a portion of the South in this measure of annexation, and thus extended the area of slavery, should show a little modesty as well as contrition when lecturing their late allies, and especially that it ill becomes *them* to indulge in the tone of the Pharisee, but rather, after sincere repentance for so heinous an offence, to take the more humble position of the publican.

SPEECH

OF

HON. R. M. McLANE, OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 27, 1850,

In Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. McLANE, of Maryland, said that there was no gentleman on this floor who, throughout the debate, had felt more strongly than himself the obligation pressing upon him to contribute, in as humble a manner as might be within his power, to direct the public sentiment of this House, to direct the public sentiment of the Legislature of this country, with a spirit and with a motive looking to the just rights of every part of the country—and to the welfare of the people of all the States; recognizing at the same time the great principle, that the just welfare of the people of all the States was intimately, if not indissolubly connected with the welfare of the Federal Government, and the existence of the Federal Constitution itself. Coming into this House as the Representative of a constituency who had frequently been referred to in the course of the debate as a border population; representing a portion of the people of Maryland who, in the first speech of the session, made by the gentleman from North Carolina, [Mr. CLINGMAN,] had been referred to and speculated upon in view of their probable action in the contingency of a dissolution of the Federal Government, anticipated by him as likely to occur,—he (Mr. McL.) felt bound to say, that this was a people who had contemplated this question without reference to geographical feelings; and, conscious that he himself had formed and entertained opinions upon all general questions which had engaged the attention of the Federal Legislature—opinions formed without any regard to his own geographical position—he now felt at liberty, as he hoped he always should feel, to participate in debate here upon a national platform. But, in making use of this language, he was not to be understood as holding an indefinite or confused idea of a national platform. He would feel that he had but a very small title to the respect of the members of Congress, if he supposed, that in legislating upon a national platform, he was to legislate without regard to the Federal character of the Government which constituted the nation. He used the term “nation,” without any desire to subject himself to hypercriticism. To him, at this moment, it was a matter of perfect indifference whether, as the gentleman from North Carolina, [Mr. VENABLE,] who had spoken had argued, we should be called a Confederate Republic of States, a Confederacy of States, or a National Government and a national people. He believed that, within the limits of the Constitution, we were a nation. They were here to legislate for the nation—they were here to legislate for the people of the United States; and although, as he had said, he represented a border people, (in view of sectional issues,) and although the will of the people of that region, whenever that will was

clearly expressed, was his guide, yet on abstract questions, and in matters involving immediate action, he hoped that they knew and felt that he legislated for the people of all the States, and for the Government which the people of all the States had formed. It seemed, unfortunately, to be the fact, that all those general issues which ordinarily engaged the attention of Congress had passed away. As a general rule, he could not concede the propriety and wisdom of confining his remarks, when he entered into debate here, to a single isolated point, and permitting that to engross the whole wisdom and patriotism of the American Congress. But he felt—and probably this conviction had been brought home to the bosom of every gentleman here—that these issues, which had hitherto divided the country, which had constituted the great line of demarkation between parties in the United States, had been adjourned. That they were adjourned for the hour was manifest—and he believed that it rested with this Congress to determine whether they were adjourned forever.

It seemed to him that they had assembled, as a national Congress, under circumstances most peculiar; and he challenged the attention of honorable gentlemen to the issue which he was about to present, and which, he believed, could not be denied. They were here not as freemen. They vaunted much, it was true, of their freedom of speech and freedom of opinion. The great point of misapprehension was this—that Congress was not free. They had assembled here, elected, most of them, during the last Presidential canvass—Whigs and Democrats bound alike to issues to which the great body of the people, at the time they elected them, were strangers. He looked to northern Democrats who had their seats here, and who, though fully committed to the non-intervention principle of the national Democratic party, had yet excited expectations on the part of earnest and fanatical anti-slavery constituents, which now embarrassed them, in meeting, with wisdom and justice, the new phase of this question, presented by the adoption of the California State constitution. They obtained their seats in the North, for the most part, by accepting an issue which appealed to a minority of the people of their own districts. The questions which, as he said, were adjourned here, had also been adjourned at the time these elections took place. Honorable gentlemen had separated themselves in their Congressional canvass from the just obligations which they owed to the principles and policy adopted by the national Democratic party, and had substituted for these obligations a devotion to the particular issue of free soil.

The Whig party of the North, unembarrassed by any national obligations on this question, had

boldly and freely contested with the Free-Soil party proper, the exclusive and paramount devotion to the principles of free-soil and free labor, as generally understood to be involved in the legislation of Congress prohibiting the existence of slavery in the Territories of the United States.

On the other hand, at the South, southern Democrats, relying implicitly upon the fidelity of their northern Democratic brethren, and the well-known adhesion of their Presidential candidate to the principle of Congressional non-interference with the institution of slavery, had cheerfully and zealously contested the canvass with southern Whigs, who denounced the Democratic candidate as a Free Soiler in disguise, and who appealed to the southern people to accept in his stead a southern planter, whose individual associations and opinions were represented as offering to the South the surest, if not the only, barrier against the unconstitutional legislation of Congress. These combined but opposing elements in the Whig party prevailed, and the present Administration and the present Congress were now called to conduct the legislation of the country. The candidate thus repudiated was who and what? A northern statesman, who, without regard to his own personal opinions on the subject of slavery, had denied the power of Congress to legislate upon that subject in the Territories as well as in the States; contenting himself with a policy that should leave this question to be regulated by the people inhabiting the Territories, under the general restraint imposed by the Federal Constitution upon the people of the Territories. He actually voted in the other end of the Capitol for a territorial government for California, which left the slave question to be regulated in the Territories under the judicial sanction of the Supreme Court of the United States, which was the mode of adjustment most earnestly desired by the South, and which had been actually digested by the most accomplished southern statesman.

He would call attention to the emergency in which Congress was called to legislate. The President thus elected by the North and by the South, who had by his own action excited the hopes both of the North and the South, was understood and known to be committed to a policy now entirely acceptable to northern Whigs.

He was now the President of the North. He was committed to a policy to which distinguished statesmen—indeed the great mass of the statesmen of the North were willing to subscribe. And without any great distinction of party—with only a few exceptions—guerrillas as they were called—with few exceptions of note—northern statesmen were willing to accept the policy of the Administration. But southern Whigs, who discovered that the issue had gone almost beyond their reach, found themselves allied with southern Democrats. And now, passing from the issue of non-intervention, which the success of General Taylor seemed to have swept from the political issues of the day, southern Whigs and southern Democrats alike claimed the positive action of Congress. He would pass over the argument whether it was to protect an existing right, or to provide for the transfer of a right existing in the States to that Territory. They all knew that southern men, feeling that a crisis had come upon the country, made a demand for absolute guarantees on the part of Congress, that within certain limits of that Territory, their rights of property under the laws of the States, should be

respected. Without regard to speculative opinions whether slavery existed in that Territory or not—without regard to the judicial decisions of the courts whether slaves could go into that Territory or not, (for all these questions were adjourned,) a crisis had arrived, and southern men had felt at liberty to make the issue and to call upon Congress to decide it. Here, then, stood the two extreme issues between the two sections of the country: the one demanding Congressional action to extend slavery to, or to protect it in the Territories; the other insisting that whenever the Federal power can be exercised at all in the way of legislation, it shall be exercised to destroy slavery. This was the issue made up by the extreme party at the North. Call it a guerrilla party, if you will. It is a party that you of the North cannot keep in subjection. And this Congress is to decide whether either shall prevail, or whether the moderate, conservative, and constitutional policy of non-intervention shall be revived and established.

He stood ready to extricate himself from any views connected with geographical position, and to coöperate with any men from the North who were willing to extricate themselves from a similar thralldom.

He knew, he said, that there were northern statesmen opposed to these extreme views of Congressional power, upon constitutional grounds, no less than upon the simple and less imposing consideration of expediency and propriety and abstract justice. There was the honorable gentleman from Ohio, in his eye, [Mr. MILLER,] of this class, who had, he believed, served in this House since the Wilmot proviso was first introduced. He had sat here when the intrigue—the plot—for so he, Mr. McL., must call it—which gave birth to the Wilmot proviso was first concocted. He had sat here during the Mexican war, when this anti-slavery prohibition (now called the Free-Soil principle) was introduced to prevent the acquisition of territory by treaty. He sat here when the bill to enable the Executive to negotiate a treaty of peace came in. He was here when the plot to defeat that measure was concocted. The parties to this plot knew that we must necessarily acquire territory which, they now told us, was free, and on which no slave could tread without positive legislation. Gentlemen knew they could prevent positive legislation, yet they instigated, concocted, and cheered on the intrigue which enabled nine or ten men to tie our hands, and with the assistance of a distinguished Senator from the East, to prolong the war. He (Mr. McL.) felt satisfaction in referring to his friend from Ohio [Mr. MILLER] as one of the original and consistent advocates of the policy of non-intervention by Congress from this point forward, in view alone of the constitutional obligation to confine Congress to its express and limited powers.

Mr. MILLER explained, that he first came into the Congress succeeding that in which the Wilmot proviso was introduced, but concurred with those who entertained constitutional objections to it.

Mr. McLANE continued. The tenth amended article of the Constitution declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." Gentlemen would look in vain for any express power of municipal and political government over the Territories of the United States. No southern statesman had admitted that any such

express power was conferred. He was aware that a distinguished authority from the South had suggested (or vindicated) the incidental right and power of Congress. His friend from Ohio, and other distinguished northern Democrats, accepted this constitutional view; and others from the North, who rested their opposition to this Congressional interference with the municipal and domestic rights of the people either in the States or Territories on the ground of abstract justice and expediency, but who admitted that such power was vested in Congress, concurred with their political brethren, North and South, and pledged to each other their faith to abstain from its exercise. He gave them the right hand of fellowship. He adopted them and their choice as his choice. In his judgment they constituted the great heart of the Democratic party in the last canvass. To these men he now turned. He had never separated from them. He never would do so. And so long as there was a northern Democracy that was willing to adjourn individual opinions and to reject all interference on the part of Congress with the institution of slavery, or with the municipal affairs of the Territories, he would stand with them. He believed in his heart that the responsibility rested upon these men. He believed in his heart that with them the real adjustment of the difficulty lay.

And here he would especially ask the attention of southern men. They might talk of the Missouri compromise. If they meant that the line of $36^{\circ} 30'$ was to be run to the Pacific ocean by the authority of Congress, and that that authority should declare that north of that line slavery should never be tolerated, but that south of that line the question should be left open to be determined by the people—then he would say he wanted no such compromise. That was the principle of non-intervention south of $36^{\circ} 30'$, and the Wilmot proviso north of $36^{\circ} 30'$. He would say to the southern men, embrace the tender of the northern Democracy—take non-intervention over all the territory; unless, in good faith, the Missouri compromise line, with slavery north of it expressly prohibited, and with slavery south of it expressly allowed, is tendered in lieu thereof.

And here, in the spirit of the argument of the gentleman from Georgia [Mr. Toombs] as he (Mr. McL.) understood it, he would remark that no man in the North could reasonably take exception to this doctrine. It was an admission that Congress had power to govern the country. Some might say it was an admission that there was no constitutional power to govern the country, but that the country, having been acquired outside of the Constitution, was to be governed outside of the Constitution upon abstract principles of equity and equality.

But he stated the question thus because he did not want to be trifled with; he did not want to affect enthusiasm, as a southern man, upon a question which was not practical. He wanted no point of honor settled. There was no point of honor at issue. It was a great mistake when the people of California were told that this question was a sentiment at the North and a point of honor at the South. That was a skulking and a dodging policy. It was a policy which was repudiated now by the most patriotic statesmen; who treated this as a practical question, and who treated the rights of the South as practical rights, whether they were rights within or without the Constitution. Such representations had exerted an influence in the formation of the State constitution of

California, and he had in his eye a distinguished gentleman from New York, [Mr. Dever,] who would take advantage of this state of things and accomplish indirectly all that the most enthusiastic advocate of the Free-Soil doctrine could desire. Admitting the free State of California now, indulging the sentiment of the North, evading the point of honor of the South, he would bide a future time to perform the same evolution in regard to the remainder of the Territory. Such a consummation he (Mr. McL.) would deeply deplore.

He asserted, then, that to say that this was a sentiment at the North and a point of honor at the South, was not true. It was a question of constitutional right at the South, and they had always advocated that doctrine. He knew very well what he conceded when he said that, as a southern man, he would be content to let the question rest—to let the people of California have a Government without Congressional interference. He knew that the institution of slavery was a municipal institution within the States. He knew that by the Constitution of the United States, Congress could not interfere with the importation of such persons as any of the States, previous to the year 1800, chose to admit—and he knew that afterwards, the institution was always regulated by the laws of the States; although he knew that so far as Congress were concerned, it was a political as well as a municipal regulation. He knew that when the Federal Government came to act upon slavery, it first recognized it as a municipal relation of master and servant—the same being property—such property as the States chose to make it, and that if it escaped from the States, the Constitution still recognized it as property, and provided for its reclamation. He knew further, that when Congress next came to regulate this property, it provided for the ratio of representation for persons held in involuntary servitude—in other words, for slaves; thus constituting this relation a political relation as connected with the Federal Government. He knew, therefore, that Congress could not interfere with it, except in the mode and manner expressly provided in the Constitution. The only question left for him, as a southern man, to be anxious about, was whether, as a citizen of Maryland, he could travel to California with his slaves, there being no law in California for or against slavery. For he did not believe that there was any Mexican law on the subject. He did not believe that the Mexican decrees were valid; and if they were, as slavery was a political relation in its connection with the Federal Government, these decrees would not be of force; for it was the municipal law of Mexico, and not the political, that would remain in force after the act of acquisition.

But he felt anxious to know whether he could take his negroes into a country where no law, either for or against slavery, existed. He knew that the adjudications of our courts were both for and against this right. He knew that the adjudications of the Supreme Court were, that slavery was a local institution. But he knew also that there were other decisions equally clear, that declared that slaves could go into these Territories. He had certain authorities in his mind, with which he would not now trouble the committee. He knew that there were decisions which declared that men held in bondage could be carried by their masters into any territory or country where domestic slavery was not positively prohibited by

law; whilst, on the other hand, there were authorities requiring absolute and positive municipal law to allow the existence of domestic servitude. With a full view of all these controverted points, he was willing to leave the question to the courts. He had his opinion as fixed and as clear in his own mind as General Cass had his; and he (Mr. McL.) took occasion to express his regret that the distinguished gentleman from Mississippi, [Mr. Brown,] should have declared that there was any ground for misapprehension as to the opinions of the candidate of the Democratic party in the last Presidential canvass. Neither in his letter nor in his speech did Gen. Cass present his own opinion on these legal questions as an element of the least importance or consideration. He left the question to the people, subordinate to the Constitution and the laws, to be controlled, of course, by judicial arbitrament. Some of us might entertain entire confidence that that arbitrament would be in favor of the South; others might doubt it. And in this connection, he (Mr. McL.) desired to call the attention of the committee to the position of the gentleman from Georgia, [Mr. Toombs.] Why did the gentleman vote last year against the compromise bill? Because he believed that the question which by the bill was left to the decision of the Supreme Court of the United States, would be adjudicated against the South.

Mr. WELLBORN interposed and inquired of the gentleman if he knew that General Cass has recently expressed the opinion in the Senate, that the Mexican law abolishing slavery in the Territories of California and New Mexico, would preclude the slaveholder from taking his slave with him into those Territories?

Mr. McLANE said he did not know what General Cass's opinions were about Mexican law. He (Mr. McL.) was referring to the point in his letter and speech which related to the power of the people of the Territories.

Mr. WELLBORN inquired whether the gentleman, in his remarks about the Missouri compromise, included in his denunciation the amendment of that compromise proposed in the second resolution he had the honor to submit to the committee in a speech delivered by him a few days ago?

Mr. McLANE replied that, as he recollected the gentleman's amendment, it provided for a positive recognition of slavery south of the line, and a prohibition north of it, and was the Missouri line to which he had referred as a compromise which he could well understand southern men would prefer.

Mr. WELLBORN expressed his satisfaction that the gentleman from Maryland [Mr. McLANE] so considered it.

Mr. McLANE continued. This was a very different matter from the Missouri compromise in its common acceptation, to which he had already referred. How could the original spirit of the compromise apply in this case? The line then ran through slave territory, and all south of the line remained slave territory by positive law. Congress, therefore, could well be silent on the subject south of 36° 30'. Now, however, what life would the Missouri compromise have when run through territory said to be free territory; or, at best, territory where no positive law existed to protect slavery. He repeated that this was non-intervention south of the line, and anti-slavery prohibition north of it. Such an adjudication of the question he despised, and should always

despise. Hence it was he desired to adhere to the northern Democracy, and their policy of non-intervention faithfully represented in the course of the Democratic candidate for the Presidency in the last canvass. This he had called the policy of the national Democratic party; and this party he did not believe was dissolved. He did not believe that it had been wafted away with the fumes of the dead carcass of the Bank of the United States, referred to by, his friend from North Carolina, [Mr. VENABLE.] He entirely concurred with his friend from North Carolina in absolving himself from political association with those at the North who had attached themselves to that new organization, whose aim and purpose was confined to the effort of destroying the constitutional rights of the States and the people. All he desired to say was, that he (Mr. McLANE) believed this class was not respectable in numbers among the people, and the appeal he now made to northern Representatives was, that they should extricate themselves from the restraint which this class has heretofore imposed upon them. He well understood the remarks of his friend from North Carolina [Mr. VENABLE] to concede that the life and heart of the sound Democracy had not altogether exhaled with the fumes of the dead monster—though he and his friend from North Carolina might differ as to the degree of vitality remaining. Mr. McL. said he believed it was alive in the North and in the South. He believed that the National Democratic party would live. It might go into a minority, and he, for one, would cheerfully bide his time with it until its hour of progress and triumph returned. It might falter. It might run away from non-intervention; it might run away from the free-trade principles of the tariff of 1846; it might even come here and offer to make terms with the *protectionists*; but still he believed that the great heart of the Democratic party would live. Parties at the North and the South might choose to continue their sectional organizations, and abstract power and force, for the time being, from the national party. All that he asked of northern men was to adjourn their individual opinions. He would adjourn his own. He would not ask them, as he had a right to do, to vote that he might take his slaves from Maryland to California. He would leave that question to the courts. All he asked was, that they would not seek a legislative declaration to deny the right. He asked them to stand by the doctrine of non-intervention, to let the courts decide the question, without regard to the consideration, whether General Cass, or any other statesman in the Democratic party, was of the one opinion or the other, provided they would all acquiesce in this submission of the case to the judicial arbitrament referred to.

If he was right in his position that slavery, though a municipal regulation within the States, was a political regulation so far as the Federal Government was concerned, then he would like to know whether the people of the territory belonging to the Government would not also have to go to the courts to ascertain whether they had the right to pass such a law. He might think they had or had not the right to pass such a law; General Cass might think they had or had not; northern Democrats might think they had or had not that right; he [Mr. McLANE] wished them to answer this question. If they were willing to let this question alone, to let it rest with the people of that country subordinate to the Constitution—that Constitution which protected the rights of the States and the rights of the people, which provided

that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" he would meet them on that ground. If they of the South had not the right, under the Constitution, to take their slaves into the Territories, he did not want to take them there. He wished not to be mistaken—he had been two years ago, when he had talked about the outrage—as he now considered it would constitute an outrage to force slavery over an unwilling people, against their legal and constitutional rights as American citizens. This sentiment was prompted by a sense of justice, which taught him to respect the legal and constitutional rights of American citizens, whatever those rights might be, and whether they were the rights of the people of a State or the people of a Territory; but though he was prompt thus to meet all the results of a full enjoyment on their part of their civil rights, yet he was not to be confronted with the declaration that slavery was a national disgrace, a moral wrong. He did not believe the Union could exist when the great body of the northern representatives came here proclaiming that it was a national disgrace and a moral wrong, and acting upon this idea by bringing the power of Congress to bear upon and destroy it. He saw before him the honorable gentleman from Pennsylvania, [Mr. McLANAHAN,] who, though he thought it a national disgrace, a moral wrong, took his stand upon the doctrine of non-intervention. The gentleman from Illinois [Mr. BAKER] had spoken of planting the flag of this Union upon the snow-capped hills of California to float there forever: it must be the flag of this Union, as the flag of national honor, not as covering the relation of political disgrace.

He (Mr. McL.) lived in a border State that could do very well without slavery, but which did not for that reason say that slavery was a moral wrong, a national disgrace. They did not think so. Sickly spirits might so clothe their philanthropy; the people of his State thought it an institution which was a moral necessity where it now existed: advantageous in some States, but necessary in all the States where it now had an existence. A single view of this question: he did not care one particle whether northern men on either side of the House gave him their acquiescence or not—it was a question which came nearer home to him than to them. We could not live in the midst of a large black population without the law of slavery. It was a law as necessary to the discipline of the free black man as of the slave—a law which the free States adopted, every one of them. They had every one of them got their slavery; they had every one of them found it to be necessary to enact their laws establishing negro slavery. Cultivated men of the North did not deny it. Beyond the political distinction which they made against the blacks, there was the social and municipal distinction. It was this social distinction of which he spoke. It was bondage, bondage in degree. It was necessary to them—he was not reproaching them for it. They could not live without it. It was thus limited in degree with them on account of their free sparse black population, and their overwhelming proportion of whites. Now, in Maryland the whites were not so overwhelming in numbers as in Pennsylvania and the other free States, and therefore they wanted a more complete system of bondage than the people of the free States—they wanted more than a prohibition against blacks and whites entering together into the sacred bonds of matrimony

and the other like municipal restraints imposed upon the black population. They required the law of slavery. Did not every man know that in the revolutionary war the black slave messed with the white soldier, and no white soldier objected to it? This was the case upon the battle fields of North Carolina, in the gallant corps of South Carolina, in Greenc's army, in the corps of Washington at Yorktown—black slaves messed with the white soldiers, and the whites made no objection. Why? Because there was a consciousness of moral and legal superiority on the part of the white; but the slave, though inferior, was called there to defend his (the slave's) fireside, his wife, his children, as the white men were defending theirs. And if there had been no law recognizing slavery—if the blacks had been free blacks, the white soldier would not have messed with them.

That was why they must not disturb slavery in Maryland. He had just now stated that he was perfectly content with the doctrine of non-intervention; content to stand by the sound Democracy of the North, and let the Free-Soil Democracy stand out or bring them in upon terms; and to northern Democrats of this kind he thus had a right to speak. He would say to his friend from Illinois in his eye, [Mr. RICHARDSON,] hold on! because if you do not you will make Maryland go with those who not only believe that slavery is a necessity and an advantage to the South, but who have, in language for which honorable gentlemen themselves alone are responsible, declared that it is a blessing, not only to the slave, but that it was an abstract moral blessing. Their opinion deserved and received quite as much respect as the abstract opinions of those gentlemen who thought it a national disgrace. The constitution of that man was not more extreme in one view who pronounced it to be God's blessing upon the black and the white, than that of the sickly philanthropist who pronounced it a national disgrace, a national wrong—at the moment when it was interwoven with the foundations of the most glorious, the most progressive, the most successful Government on the face of the earth. He said, if this Democracy of the North—to whom he looked with affection, with pride, with hope—gave way, then Maryland must be brought to think slavery not only a necessity, but that necessity would create another necessity, that was, to cling to those who thought that it was a necessity as well as an advantage, and who were ready to extricate themselves from an association with a family, members of which differed with them upon points so vital to their peace, harmony, and even existence. And thus might occur that contingency to which gentlemen from the North and the South had referred—of a defence on the part of the South of this very soil on which the Capitol stands, because this was their soil. He did not claim for Maryland any right to interfere with slavery here. He did not think Maryland had anything to do with it. He had never introduced or supported resolutions proposing an interference on the part of Congress with slavery in this District when the State of Maryland or the people of this District should consent to it. He understood too well the question. The legislation of Congress over the District was *exclusive*—not unlimited, but exclusive of Maryland and Virginia, indeed of any State—and within the Federal limits, within the well-defined powers of Congress complete and perfect. He therefore claimed no right for Maryland to

legislate with reference to slavery in this District; but he would tell them what he did claim—if Congress violated the Constitution, and thus made void the deed of cession, Maryland would resume her gift. That was the legal view which they entertained of this case, and it was no new position for a Representative of Maryland to assume upon this floor. He had in his eye a gentleman from Pennsylvania [Mr. STEVENS] who had flattered himself that there was no danger to result from an obstinate persistence by Congress in the pursuit of his particular opinions and fanaticism. Gentlemen seem to scout the idea that any mode of resistance was at command to repel such aggression. They ought to know better. They ought to know, if Congress were to abolish slavery in the District of Columbia, Maryland could resume her jurisdiction over the same; her courts, constables, processes, officers, were all at command, and even her militia—he did not despise the militia. His friend from Georgia [Mr. TOOMBS] did not, though he had spoken of militia colonels with less respect than the occasion would perhaps justify. She would have no difficulty in affording full and ample protection to the laws and property of her citizens residing within the territory ceded to the United States for a Federal seat of Government.

He knew that there were very few northern men in this Congress who desired to abolish slavery in the District of Columbia. But there were some. There was the gentleman from New York, [Mr. P. KING (in his seat) nodded assent,] whose life was somewhat historical in the politics of the country. He named no others, but he could go further, and designate over thirty gentlemen upon this floor who believed that it was in the power of Congress to abolish slavery here, and that they ought to abolish it here, for they considered that but a part of the policy of abolishing it in the Territories. Now he called the attention of the committee to those gentlemen who said they had the constitutional power to abolish it, and that they would abolish it whenever they could, and against them he warned northern Democrats; against them he warned the cultivated, distinguished statesmen of the North, and he called upon them to trample down this policy at this time. Now was the time—in this Congress, to exterminate this mischievous principle; and destroyed it ought to be. He held the sentiment to-day, which he had expressed the first day of the session, that he was with the National Democracy; that he did not care if he stood side by side with men who entertained different opinions from him upon the subject of slavery; it was not on account of the opinions entertained by gentlemen differing with him on this subject, that he (Mr. McL.) would refuse a political association with them, but because they had in their breast the hellish purpose to exercise the power, and on their side make it a test of political organization and purpose. When he took his stand side by side with the National Democracy, it was a Democracy committed to the principle of non-intervention as a national policy, without regard to particular constitutional opinions of individuals, and such a Democracy must necessarily exclude from their political organization men who by adopting this sectional policy would commit this great constitutional wrong. He had said now was the time to adjust this issue and vindicate the integrity of the National party. He disagreed entirely with his southern friend who expressed the opinion that this was the prevailing sentiment of the North. He knew better—he had lived near

enough to the North to know better. But it would not be left for either politicians or statesmen to refuse to settle this question. He believed the voice of the people would settle it. Men might agitate it, might get up "Union meetings," with a view to influence the question either way, for or against slavery—they had called one in his own city, (that was the reason why he spoke to-day,) and they had held one in Philadelphia and one in New York. It was not altogether on these he looked for hope. His hope was based upon the conviction that had settled in the hearts of the yeomanry of this country that the question must be adjusted, and adjusted upon principles of equity and abstract justice to all—to the people of the Territories no less than to the people of the States. He had said he did not altogether rely upon politicians or statesmen in this House. They were all too fully committed to act their just part in this crisis unless now moved by the patriotic sentiment of the masses whom they misrepresented. There was the gentleman from Pennsylvania [Mr. STEVENS] in his eye, who had said there was no danger, who pressed forward in his purpose of anti-slavery agitation. It was not from such men that he could expect relief. Men thus insensible to the circumstances in which the country was placed, would not be those to whom we would turn in our hour of trial. They might raise the whirlwind but they would not be able to ride the storm. But very different was his opinion of the people of the Commonwealth whom the gentleman in part represented. He (Mr. McL.) looked to them to stay this crusade of fanaticism; he believed their influence would yet be felt in the adjustment of this question upon a basis that would restore peace and harmony to both sections of the country. He did not fear that the action of this Congress would dissolve the Union; upon this question he did not wish to be misunderstood.

He thought that this Union had power in it; that it was deeply seated in the love of the people. He went further—and he hoped no southern friend of his would take exception to the remark—it was a general remark. Gentlemen might except their own States if they saw fit; he went so far as to say that the only love of country now known to the people of the United States, was the love of the Union. That was the great love of country existing in the hearts of the people of all the States. If you roused the patriotism of the people, it was their love of the whole country, of the Union as it is, their devotion to the Federal Government, as he believed it had existed in all our former history, the glory of the Federal Government, when justly and fairly administered, being the glory of all.

Mr. VENABLE interposed, and (the floor being yielded) asked if the attempt had ever before been made to dishonor the South? Their honor was dearer to them than life, and when it was proposed to be violated by the North, would not the gentleman agree with him, that the unholy attempt would change their love to hate?

Mr. McLANE replied that he had said that the Federal Government had heretofore been identified with all that was glorious in the history of each State; that the glory and the power of the Federal Government were the glory and the power of all States. That was what he had said, and he argued further, that there were no precedents in the past history of the country to make a parallel to the present crisis.

He denied, and utterly repudiated the declaration made by the gentleman from Ohio, [Mr. CAMPELL,] about the South having acquired

Texas. He thought the gentleman had better go to that school indicated by the gentleman from Georgia, [Mr. Toombs].

Mr. CAMPBELL (Mr. McLANE yielding for explanation) said he had distinctly stated that the annexation of Texas was a measure of southern policy. Did the gentleman [Mr. McLANE] deny it?

Mr. McLANE replied, certainly. And if the gentleman from Ohio would listen, he would say one word upon this point. It was true that Mr. CALHOUN, in some of his dispatches to Lord Pakenham, had said that Texas was to be acquired in view of political considerations connected with slavery; but although this opinion of Mr. CALHOUN, as Secretary of State, indicated the policy of that Administration, he would say to the gentleman from Ohio, that that Administration did not conceive this policy. The policy of the acquisition of Texas was a national policy; it was the policy of the National Democratic party; and by the National Democratic party of the present day, he meant the Jackson party.

Mr. MEADE (interposing) reminded the gentleman from Maryland of Mr. Van Buren's instructions to Mr. Poinsett to purchase Texas, if necessary, at the expense of half a million of dollars, and of Mr. Adams's instructions to the same end to Mr. Clay.

Mr. McLANE said he spoke of actual annexation, and had no reference to preceding negotiations. He remembered very well—so did the gentleman from Virginia, [Mr. MEADE]—that when they had advocated the annexation of Texas they had brought up all these original attempts, and had referred with great point to Mr. Adams's and Mr. Van Buren's instructions. But he (Mr. McL.) had been talking about actual annexation, annexation by act of Congress; and he utterly denied that this annexation was southern policy; but it was Democratic policy, advocated everywhere with full knowledge that it was Democratic policy. Annexation was the policy of the old Democratic party; and he was willing to go further, and admit, that out of the annexation of Texas had grown the war.

He remarked that his hour had nearly expired, and he was very sorry that he was confined to one hour; for, feeling the influence which this question had upon the country, he was impressed with the obligation to define fully the views which governed him. He had exhausted his time in the general discussion of the power of Congress; he had stated the constitutional and the legal point upon which he derived that power. He had contended that such power was incidental, and was necessarily confined and limited in its character. He had contended further, that even if the exercise of municipal powers were necessary and proper, as a means of carrying into execution express powers vested in Congress or in the Government of the United States, or in any department or officer thereof, still there existed in the Constitution itself restraints and limitations which interfered and prohibited the exercise of certain municipal and political powers, and embraced within such limitations and restraints was this relation of master and servant; which, though a municipal institution within the several States where it is regulated by local law, was in its relation to the Federal Government a political institution over which Congress had certain well-defined and express powers; and in regard to which it could exercise none others.

And he had argued further, that Congress was bound to act, and exercise its constitutional powers in providing law and order for the people inhabiting the Territories of the United States—or admit such Territories into the union as States, with constitutions and forms of government adopted by the people thereof. He had also contended that, where the territorial form of government was adopted, this question of slavery must be left an open question for judicial adjudication and arbitration—the doctrine of Congressional *non-interference* must prevail. And he would further contend, that when the discretion of Congress was appealed to, to admit a new State, no condition could be rightfully imposed by Congress upon the people thereof, other than the constitutional command that their form of government should be *Republican*. He had (he said) but a moment to contemplate the practical question now presented. The territorial question having been adjourned, Congress were now called upon to vote upon the admission of California. It had been said by the gentleman from Georgia, [Mr. Toombs], and he, (Mr. McL.) had been very glad to hear the declaration from that gentleman, that no man could deny the right of the people of California to form their own constitution, and apply for admission as a State of this Union. Now, a few words on that point. He (Mr. McL.) went further; he not only did not deny the right of that people to form their own constitution, but he recognized their right under the treaty to be received as a State—at the discretion of Congress, it was true; and an honest, a wise, a conscientious discretion. But let it be observed, connected with their right to form a constitution, the discretion of Congress must have no relation to the fact that that constitution was a free or a slave constitution. He utterly denied that, as a statesman, in exercising a sound discretion as to the time of admitting California, he could plead any sort of apology for his course, if that discretion were governed by the fact that the people had exercised their right of excluding slavery.

So far as the question of admission was concerned, they must take it upon its practical merits, as a practical question. What were those merits? Did they not know that in the Convention which formed that Constitution, there was a concurrent sentiment from the northern and the southern portion of California upon the question of slavery, and that the material question of difference between the representatives of the people was as to the extent and character of boundaries, and again to the main question as to whether there should be a Territorial or a State government? The minority preferring a Territorial government, but acquiescing in the voice of the majority; the only question remaining open was that of boundary, which was adjusted by compromising between those who desired to extend it east to the province of New Mexico, and those who would prefer to have confined it to the Sierra Nevada. But all from all parts represented, concurred in embracing the whole Pacific coast as essential to preserve the homogeneous character of the State.

He argued further in regard to the proceedings of the Convention which formed the Constitution of California, and in regard to the motives and policy which, in his judgment, should govern the Congress of the United States in exercising their constitutional discretion. He was talking about what he would do. He would vote for that Constitution upon its merits. He would vote to re-

ceive California with her present boundaries, if this Congress would, in good faith, give government and protection to the whole people, without as well as within the limits of the present State, leaving to those who remained in the Territory of the United States, as well as to the people of the States, all their constitutional rights. But if the counsels of the gentleman from New York [Mr. DUEK] were to prevail, he (Mr. McLANE) would not vote for it. He would not go home and say he had taken California as one step towards depriving the South of all the Territory of the United States.

Mr. DUEK interposed, and inquired to what counsels the gentleman referred?

Mr. McLANE replied, that he referred to the gentleman's letter to his constituents, read by the gentleman from Alabama [Mr. HILLIARD] some days ago, in which the gentleman from New York had explained the process of receiving all California by piecemeal as free soil.

It would give him (he continued) the utmost satisfaction to give to the people of California the whole Pacific coast. And upon that question he wanted to send to the Clerk's table a bill, which was substantially the same bill which he had brought forward at the last Congress. His friend from Virginia, [Mr. BAYLY], who had said that the proposition to allow a State government to California had received but one vote, was mistaken. The fact was, as stated by the gentleman from Georgia today, [Mr. TOOMBS], that it had received a large vote—a large southern vote. He (Mr. McL.) had then been in favor of it—he was now in favor of it. And he was in favor of the non-intervention policy; not of the policy of the Missouri compromise, as understood by northern men, prohibiting slavery north of 36° 30', leaving the principle of non-interference to prevail south of that line. Infinitely to be preferred to that was the principle of non-interference, as applied by the northern Democracy to the whole country. But consistent with the immediate admission of California it was yet in the power of Congress to extend the western boundary of Texas westward over New Mexico to the eastern boundary of California; leaving these two States of nearly equal extent—the one free the other slave—which might hereafter, at the discretion of Congress, simultaneously be divided into other States. He would submit a bill for the consideration of the committee to effect this purpose. He was proceeding to explain the provisions of that bill when the hour expired.

NOTE.

The short time allowed by the rules of the House in debate, required Mr. McLANE to pass hurriedly the various points which he desired to submit for the consideration of the committee; and while he takes this occasion to return his thanks to the Reporters of the *Congressional Globe* for the very accurate report of his remarks made by them in the *Daily Globe*, which is here republished, with some few corrections, he desires, at the same time, to enlarge some views not fully developed in the report.

Mr. McLANE desired it to be understood, that when he referred to the relation which the President and the Administration held to this question of providing government for the people who inhabited the territory acquired from Mexico—being a relation altogether acceptable to the North generally—he had reference to the policy set forth in his annual message and in the message communicating his instructions to the Hon. T. Butler King, and his approval of the proclamation of General Riley, issued in June, 1849. It will not be questioned that this policy was founded in the idea that the question of constitutional right at issue between the people of the North and the South, was a sentiment at the North, and a point of honor at the South. Reference

is now had to the actual instructions, already published, and the message of the President recommending, in effect, that the country not embraced by the laws of California shall remain without government, other than which is derived from Mexican law, which, according to the instructions from the State Department, was *Mexican municipal law*; but, according to the proclamation of General Riley, approved and sanctioned by the War Department, the *political as well as the municipal laws of Mexico are recognized*—thus excluding slavery by the laws of California in one portion of the territory, and by the actual operation, or by fear of the laws of Mexico, in the remaining portion—this is the policy which Mr. McLANE refers to, as explained and endorsed by the letter of Mr. Duer, of New York, to his constituents; and he would call attention to General Riley's proclamation, which proclaims him to be Governor of California in virtue, not of the *de facto* government which existed at the close of the war, but in virtue of the Mexican political law, under which law he proceeded in the proclamation to institute government and officers of government.

Mr. McLANE desires to refer again for a moment to that part of his argument which treated of the line of 36° 30', dividing the territory by positive act of Congress into free and slave territory. He there argued that gentlemen who contended for the omnipotent power of Congress over the government of the territories could find no objection to such legislation if they admitted the abstract equity and quality of the parties to the Federal Government. For himself, he desired to be considered of that class who should regard such legislation as an admission that there was no power in Congress either to acquire or govern; and having acquired outside the Constitution; they should now govern outside the Constitution; and he had so argued this point.

This whole branch of the question is fully set forth in the case of *Canter vs. The American Insurance Company*, 1 Petek, 538. In that case Mr. Webster lays down his doctrine of omnipotent power in Congress to govern the territories. He assimilates it to the power of Parliament, or to the power of the Imperial Crown, if Parliament is not in session. He there says: Congress might do anything! He instances the right of Congress to refuse trial by jury! He might have added the right to pass bills of attainder, and ex post facto laws, and titles of nobility! All this Mr. McLANE, in his argument, with deference, denies. He contends for the right of the people of the territory, restrained only by the Federal Constitution, and the right of Congress, whose action is restrained in like manner. In this same case of *Canter*, the doctrine is laid down that the municipal and not the political law of conquered countries remains in force, with a clearness which justifies the argument presented by Mr. McL., that the political relation which slavery bears to the Federal Constitution not only restrains the action of Congress within the expressly defined terms of the Constitution in regard to it, but establishes conclusively that no political or municipal law of Mexico abolishing the same in California could have any force or effect, however constitutional and valid such Mexican law might have been, which constitutionality and validity it would be difficult to establish, for the Mexican decree of the 15th April, 1829, or the law of April 4, 1837, in regard to slavery. The decree of Congress of the 13th July, 1824, was no doubt valid, but had no reference to the question, as it merely prohibited the importation of slaves from abroad into Mexico.

That slavery is a political law, in its relation to the Federal Constitution, is very clear. If we look to the fundamental definition of law, we find that—

"Laws are regulations established by public authority, to be observed in society. All these ought to relate to the welfare of the State and of the citizens." The laws made directly with a view to the public welfare are *political laws*; and in this class, those that concern the body itself, and the being of the society, the form of government—the manner in which the public authority is to be exerted—these, in a word, which together form the *constitution* of the State, are the fundamental laws. "The civil laws are those which regulate the rights and conduct of the citizens among themselves."

The relation of slavery to the Federal representation—the tax and duty imposed on the importation of persons imported by the States as slaves prior to 1800—together with the article providing for the restoration of fugitives held to labor under the laws of the States, are all essential features of the form of the Federal Government itself, and are essentially elements of political law. And it is upon such authority that Mr. McLANE rested his suggestion, that the courts should determine how far this relation of master and servant, which entered into our form of government, could be disturbed—by Congress—by the people, or by Mexican decrees. To that arbitrament he desired to be understood as altogether willing to submit.

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SPEECH

OF

HON. C. M. CONRAD, OF LOUISIANA,

ON THE

PRESIDENT'S MESSAGE IN RELATION TO CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, THURSDAY, FEBRUARY 28, 1850.

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CALIFORNIA AND NEW MEXICO.

Mr. CONRAD addressed the committee as follows:

Mr. CHAIRMAN: So many gentlemen have preceded me in this debate, and the discussion has taken so wide a range, that I do not rise with the hope or expectation of presenting anything new to the consideration of the committee. But the question before us is one in which my constituents feel deeply interested, and I consider it due both to them and to myself to state as briefly as I can the principles by which I shall be guided.

Before doing so, however, I must be permitted to say that, in my opinion, the importance, not of the question itself, but of the action of Congress upon it, has been greatly exaggerated. Any one who would witness the heat and excitement that pervades this assembly whenever this subject is before it, would naturally conclude that the question whether slavery should or should not exist throughout all time in that vast region of country which we acquired from Mexico, would depend upon the result of our deliberations. But such is not the fact. Sir, there is a law-maker whose power is supreme—whose decrees cannot be controlled by human enactments. That law-maker is Nature. If, from the nature of this country, its climate, its soil, its position, its productions, it is adapted to slavery, slavery will assuredly find its way there—anything we may say or do to the contrary notwithstanding. If, on the contrary, it be not adapted to slavery—if slaves would be unprofitable there, then no legislation could permanently establish it. It must be recollected that any laws we may enact in regard to this territory would become inoperative as soon as the country ceased to be under our control, and that as soon as State governments are organized there, they would in this, as in all other matters, be governed by their own views of their own interests.

Now, sir, I must candidly confess that I have long since come reluctantly to the conclusion, that nature has decided this question against the South. What is the general character of this country? Why, sir, if the map of the world were spread before you, I doubt whether you could place your finger on a spot of the habitable globe, where, in an equal extent of territory, there is so small a proportion of fertile, or even cultivable soil. All accounts concur in representing it as a land of rocks and of deserts—of arid plains and snow-capped mountains—a large portion of which is utterly uninhabitable; where the grizzly bear perishes with the cold, and the

wolf with hunger, and the remainder can only be sparsely inhabited. A country so remarkably deficient in water, so destitute of animal and vegetable life, that the hardy pioneer that attempts to traverse it, is exposed at every step to perish for want of sustenance and water. In order to show that this picture is not overcharged, allow me to read a brief extract from a work prepared, I believe, under the direction of the War Department, and published by order of Congress. I mean the notes of a military reconnaissance from Fort Leavenworth, in Missouri, to San Diego, in California, by Lieut. Col. W. H. Emory. At pp. 98 and 99 of this work, we read the following passage:

"The country, from the Arkansas to this point, more than 1,200 miles, in its adaptation to agriculture, has peculiarities which must forever stamp itself upon the population which inhabits it. All of North Mexico, embracing New Mexico, Chihuahua, Sonora, and the Californias, as far North as the Sacramento, are, as far as the best information goes, the same in the physical character of its surface, and differ but little in climate or products.

"In no part of this vast tract can the rains from heaven be relied upon, to any extent, for the cultivation of the soil. The earth is destitute of trees, and in great part also of any vegetation whatever.

"A few feeble streams flow in different directions from the great mountains, which in many places traverse this region. These streams are separated, sometimes by plains, and sometimes by mountains, without water and without vegetation, and may be called deserts, so far as they perform any useful part in the sustenance of animal life.

"The cultivation of the earth is, therefore, confined to those narrow strips of land which are within the level of the waters of the streams, and wherever practised in a community with any success, or to any extent, involves a degree of subordination, and absolute obedience to a chief, repugnant to the habits of our people.

"The chief who directs the time and the quantity of the precious irrigating water must be implicitly obeyed by the whole community. A departure from his orders, by the waste of water, or unjust distribution of it, or neglect to make the proper embankments, may endanger the means of subsistence of many people. He must, therefore, be armed with power to punish promptly and immediately.

"The profits of labor are too inadequate for the existence of negro slavery. Slavery, as practised by the Mexicans, under the form of peonage, which enables their master to get the services of the adult while in the prime of life, without the obligation of rearing him in infancy, supporting him in old age, or maintaining his family, affords no data for estimating the profits of slave labor, as it exists in the United States.

"No one who has ever visited this country, and who is acquainted with the character and value of slave labor in the United States, would ever think of bringing his own slaves here with any view to profit, much less would he purchase slaves for such a purpose. Their labor here, if they could be retained as slaves, among peons, nearly of their own color, would never repay the cost of transportation, much less the additional purchase money."

This, sir, is the opinion of an intelligent and

scientific officer, formed upon personal observation of the country; and this opinion is confirmed by all I have ever read or heard of the country.

If this opinion be correct, it would be about as easy to introduce the culture of the cotton and sugar plants on the parched plains and the snow-covered mountains of this country, as permanently to establish slavery there. For these reasons, from the moment that the acquisition of this territory was first suggested—from the moment that the cry “of indemnity for the past and security for the future,” first went forth from the White House, and was caught up and reëchoed as a war-cry, by a powerful party in this country, I was satisfied that this “indemnity” would be no indemnity—this “security” anything but a security to the South; and I said then, I have ever since said, and I say now, that I would willingly give Mexico twice as much to take back the country as it cost us. Even the discovery of the gold region in California did not reconcile me to the acquisition; for experience has shown, that it matters little who owns the soil that contains the precious metals, or by whose hands they are excavated, as they will ultimately find their way where the ever-rolling tide of commerce carries them. In fact, the history of Spain, when she possessed nearly all the gold and silver mines in the world, and in more modern times, of Mexico herself, prove, that the country that owns the mines, often gets the smallest portion of their products.

The only portion of this territory that we did need, was a harbor or two on the Pacific, which might have been purchased at a trifling cost, and the government of which would not have exposed the country to all the agitation and excitement which this question has produced.

But we are told by gentlemen from the North, as an excuse for the pertinacity with which they adhere to their purpose, that a great principle is involved in the question. True, sir, there is a principle involved in it—an important principle, but it is a principle in the preservation of which the South is more directly interested than the North. That principle is the absolute exemption of the subject of slavery in all its bearings and under all circumstances, from the control of the General Government—a principle, the rigid maintenance of which is indispensable to the security of the South, and to the harmony of the Union. All that is demanded by the South is, that this principle should remain inviolate. We do not ask that Congress should so legislate as to force slavery into this territory *inviã naturã*, and against the wishes of its inhabitants. All that we ask, all that we insist on, is, that you should not interpose your authority to prevent slavery from being introduced into the country, or to abolish it if, as some suppose, it already exists there. Is there anything unjust or unreasonable in this demand?

Mr. Chairman, I, for one, deny that Congress has the constitutional power to interfere in this matter; and even if they had the constitutional, I deny that they have the moral power.

I shall not undertake to examine at length the question whether Congress possesses the power to establish territorial governments, and if it has, what are the proper limits of that power. The time to which, by the rules of the House, I am compelled to limit my remarks, would prevent my doing so even if I deemed it advisable. But this

task has been so often performed by abler men that I would consider it a work of supererogation to attempt it.

I will observe, however, that few constitutional lawyers of the present day who affirm the existence of this power, would venture to base this affirmation on that provision of the Constitution where it has been usually sought, viz: art. 4, sec. 3d, which empowers Congress “to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.” If any doubt remained on this point, it has been removed by the able speech recently delivered by a distinguished Senator from Michigan, [Mr. Cass,] who has clearly shown that this clause in the Constitution does not even afford a decent pretext for the exercise of the power. I differ from that gentleman in many important questions, but I take this opportunity to declare that, for the independent stand he has taken on this question and the ability with which he has maintained it, he deserves the gratitude and respect not of the South only, but of every friend of the Union.

I am aware, sir, that this power has been sought for by some in other clauses of the Constitution. Some have affirmed that the power to govern territory was a necessary consequence of the power to acquire it. But when they are asked where the power to acquire territory is found, they say that is also a necessary consequence of the power “to declare war.” Thus, sir, one of the most important prerogatives of this Government, the power to govern at discretion, and for an unlimited period, a country far exceeding in extent the thirteen original States, is made the consequence of a consequence—the derivative of a derivative.

Gentlemen whose opinions are entitled to respect have derived this power from other sources, but I have always thought that their arguments proved little except the ingenuity of those that used them. Is it probable indeed that, in an instrument so carefully framed, so deliberately discussed, as the Constitution of the United States, if it had been intended to convey a power so important as the one in question, it would not have been done directly and in plain unequivocal language? Is it probable that it would have been suffered to lurk in an ambiguous phrase, to be inferred from other powers, or to be formed like a piece of patchwork, by stitching together detached portions of the Constitution? I do not believe it. I believe it is a *casus omisus*, occasioned probably by the fact that at the time the Constitution was adopted the General Government owned no territory except the northwest, the government of which was already provided for by the compact between the State of Virginia and the Confederation, which compact was ratified and confirmed by article six of the Constitution.

It is urged that this power has been so often exercised that it is now too late to deny its existence.

No one has more respect for well established precedents than I have. The maxim “*stare decisis*” is more important, when applied to interpretations of the fundamental law which defines the powers and prescribes the duties of government, than when applied to merely municipal laws which regulate the rights and duties of individuals. But, this maxim is less applicable to legislative than to

judicial decisions. Now, in this matter, although there are some decisions which seem to recognize the existence of the power, there is none which directly affirms it.

Even the Congressional precedents are by no means conclusive. In the case of Missouri, it was settled by compromise, and in the case of Oregon, the country being confessedly not adapted to slavery, it excited little interest.

I conclude, therefore, that the power to establish a territorial government is nowhere to be found in the Constitution.

But does it follow from this circumstance that Congress is absolutely without power to provide any government whatever for a territory owned by the United States? I think not.

Whenever in a judicial proceeding it is discovered that great mischief or great injustice would result from the want of power to do a thing, tribunals, in the exercise of a sound discretion, frequently decide that it must be done *ex necessitate rei*—from the necessity of the case. So in countries governed by a constitution, particularly a written constitution—which furnishes an inflexible rule of conduct—the government often finds it necessary to exercise powers which, though not warranted by any express provision of the Constitution, are nevertheless in accordance with its general spirit and object. The British ministry not unfrequently exercise powers not vested in them by law, relying upon the justice of Parliament to relieve them from the responsibility of their acts. In our own country acts have several times been done under the plea of necessity, and that, too, when the validity of the plea was, to say the least, extremely questionable. I hold that there is less danger in a government's assuming power admitted not to belong to it, whenever, by the exercise of such powers, a great national object will be attained or a great national calamity averted, than to seek to justify such usurpation of power by perverting the language of the Constitution from its plain and obvious import.

Now, sir, to apply these principles. The Government is in the possession of an extensive region of country. The soil forms a part of its domain. It has the undoubted right to "*dispose of it, and to make all needful rules and regulations respecting it,*" considered as property; but it has no express power to govern the inhabitants of this territory. Must they be left to govern themselves as they see fit, or must they be left in a state of anarchy? No, the first course would defeat the rights of the Government, the second would be contrary both to morals and to humanity. It is clear, then, that upon the principle of self-preservation the Government may establish laws over a people so situated. But the necessity which is the origin of this power must be the measure of its extent. In order to ascertain what we rightfully may do, we must ascertain what is absolutely necessary to be done.

Now, it is clear that it is not at all necessary for us to dictate a permanent organic law to the inhabitants of a territory. It is not necessary permanently to establish or to force upon them a system of domestic polity which, however it may please us, may be very unsuitable or unpalatable to them. It is not necessary to convert a territory into a *corpus vile*, to make all sorts of political experiments upon. It is not necessary to force

the inhabitants to adopt our peculiar notions of philanthropy or morality any more than our peculiar tenets of religion; and we have no more right to prohibit the institution of slavery in a territory than we have to prohibit the institution of marriage. All that is requisite for the protection of the inhabitants and of our own interests, and, consequently, all that we have the power to do, is to make a few simple laws to protect them in the enjoyment of "life, liberty, and property;" to establish tribunals to enforce those laws, and to provide in due time for the legal and regular adoption, by the inhabitants, of such a system of government as they may prefer, with the single restriction that it be republican in its form. This is all that is necessary to be done, and therefore all that we have a right to do. The Constitution confers on us no power to do more, and there is no necessity to warrant the assumption of the power.

But, sir, suppose that I am in error on this point. Suppose you have the constitutional power to prohibit slavery in a territory: have you, in the present instance, the moral power? In other words, is it right, is it fair, is it honest, that you should exercise the power?

This territory was acquired, partly by war, partly by purchase. It was won by the valor and paid for with the treasure of the whole country. What right, therefore, has any portion of the country to assume the entire control and management of it? What right has it to impose any restrictions or limitations upon the full and free enjoyment of it by the other portion? Either this country is adapted to slavery, or it is not. If it be adapted to slavery, the prohibition is obviously an injury, not only to all the States in which slavery exists, but to the inhabitants of the territory itself. If, on the other hand, it be not adapted to slavery, then the prohibition is worse than an injury; it is a wanton, unprovoked, gratuitous insult; and, permit me to say, that a generous and high-spirited people may forgive and forget an injury, but an insult they cannot overlook.

Men of the North, is there any principle that requires of you to inflict upon us this injury or to offer us this insult? No, there is none. There can be none! What is the true principle? What is the principle that you ought to contend for? It is, that you should not interfere at all in this matter. It is, that the people of these territories be left to determine the question of slavery and all other questions of purely domestic policy according to their own views of their own interest. This is not a southern or a northern principle. It is an American principle. It is the principle of the right of man to self-government—a principle proclaimed in the Declaration of Independence and consecrated in every line of the Constitution.

Sir, it is true that this country is a conquered country, but the people who are destined to occupy it are not a conquered race. No, they will be, for the most part at least, emigrants from the United States—men who have been nurtured at the breasts of American mothers—who have imbibed the feelings and the principles of American fathers, and who, depend upon it, will claim to exercise all the rights of American citizens. They will therefore indignantly repel any attempt on your part to interfere with their domestic institutions.

If these positions be correct, it was clearly the duty of the last Congress to establish territorial governments over this country. And if it was *their* duty then, it is equally *our* duty now. We are bound to afford the inhabitants of this country protection for their lives and property. We are bound to do this not only by every principle of justice and humanity, but by an express provision of the treaty of Guadalupe Hidalgo, by which we acquired it: the 9th article of which stipulates, that until the inhabitants of this country are incorporated into the Union, "they shall be maintained and protected in the full enjoyment of their liberty and property"—a stipulation which we have thus far entirely disregarded.

But the inhabitants of California, finding that Congress had neglected to provide them with a government, have organized one for themselves, and now claim to be admitted into the Union. The question is now submitted to us whether or not this demand shall be acceded to.

Before examining this question, allow me to say a few words in relation to the manner in which this constitution has been adopted. Several gentlemen on the other side have severely censured the people of California for daring to adopt a constitution without having been authorized by Congress to do so. It has been called an act of rebellion, of revolution, a *pronunciamiento*, and the President of the United States, for having countenanced, or not having opposed this unwarrantable proceeding, has been charged with being *particeps criminis*, and with having actually headed a rebellion against himself.

In relation to this charge I shall merely state, that that is a very strange revolution which consists not in overturning an established government, but in establishing one where none existed before, and that that is a singular rebellion which consists not in opposing or resisting a government, but, on the contrary, in tendering an immediate and voluntary submission to it, in swearing allegiance to it, and in soliciting to be allowed to participate in its administration.

In my opinion, sir, the people of California have acted wisely in preferring a government, however irregularly constituted, to no government at all, and the President, in affording every encouragement to the accomplishment of this object, has done no more than his duty.

It has been more than insinuated by several gentlemen over the way, that not only was this convention gotten up by direction of the President, but that the constitution was dictated by him.

It might be considered a sufficient answer to this charge to state, that it is entirely unsupported by evidence, whether in the official documents that have been laid before us, or in the unofficial accounts we have received from that country. But we need not be satisfied with negative proof—we have evidence of a positive character.

As regards the origin of this plan, candor compels me to say that the merit of originating it belongs exclusively to the late Administration, and that it is one of the few wise and judicious measures for which the country is indebted to it.

This is clearly shown by the official documents transmitted to us by the President, and is confirmed by private accounts.

As regards any interference by the President in

the deliberations of the convention that framed the constitution, it is denied both by himself, by the gentleman through whom this influence is said to have been exerted, and, I am told, by the gentlemen who have been chosen Senators and Representatives, most, if not all of whom were members of the convention.

And now let me ask how it is that the President should have had sufficient influence to get up this convention and to prescribe to them what sort of a constitution they should adopt, and yet not be able to procure the election of a single member in either House favorable to his administration? I leave to gentlemen who have more ingenuity than I possess, to reconcile this discrepancy.

I have no doubt, therefore, Mr. Chairman, that the convention that framed this constitution was fairly convened, and that the constitution itself was fairly adopted—at all events it was ratified by an overwhelming majority of the people of California, (I believe more than 12,000 out of 13,000.) If, therefore, it contain no provisions contrary to the Constitution or laws, or to the rights and interests of the United States, I am perfectly willing they should live under it, at least until we shall have provided them with a government.

But the question now arises, shall California be admitted into the Union with this constitution? This is a very different question from the first one. Whether California shall be permitted to govern herself is one thing—whether she shall be permitted in part to govern us, is another, and quite a different thing. Let us remember, in the first place, that this is not a question between California and the United States, but entirely between the States themselves, and to be decided exclusively with reference to our interest and convenience. California has, unquestionably, no right to demand an admission into this Union. We are under no obligation, we have given no pledge, either express or implied, to admit her. There is, in fact, no such organized or political body as California. There was a Mexican province of that name which we have acquired; and since its acquisition by us multitudes of adventurers have flocked to it, not only from the United States, but from Europe, from South America, from Mexico, from the Islands in the Pacific, and even from the opposite continent of Asia, have taken possession of the country, and are helping themselves very uncereimoniously to all the gold they can pick up. We have, with a liberality unparalleled, permitted this; but does it follow that on that account we are bound to confer on this promiscuous multitude any political powers or privileges? Have they any right to complain if we refuse to do this? Are we not sufficiently liberal when, after they have gorged themselves with gold, we permit them either to return to their respective homes or to remain in the country and govern themselves?

Viewing the question, then, as one to be decided exclusively with reference to our own interests, I ask the gentlemen who advocate the admission of California, to inform us what possible advantage we will derive from her admission? What end will be promoted by it? Are we not competent to govern ourselves, without the aid of California? Sir, I have yet to hear the first argument in favor of this measure, and there are many against it.

In the first place, all must admit, that the proceedings by which this Constitution was adopted,

were, to say the least, extremely irregular. The convention that framed it, not being authorized by Congress, had no legal existence; and the Constitution adopted by it is, so far as we are concerned, a blank piece of paper. They have adopted such boundaries for their State as suited their pleasure. Is any one here prepared to say whether those boundaries are such as we ought to approve?

The Constitution of the United States (art. 1, sec. 2) declares, that Representatives shall be apportioned among the several States according to their respective numbers, and provides for an enumeration of the inhabitants of each State, with a view to this apportionment. No enumeration has been made of the population of California. Is any one here prepared to say that she has a population of actual, *bonâ fide* residents sufficient to entitle her to admission as a State? If there be, he has been more fortunate in obtaining information than I have been; for I have sought to obtain it, and the accounts I receive are very contradictory. My own opinion is, that she has not that population. At all events, if such be the fact, we have no evidence of it. Thus, sir, we are called upon to admit into the Union a country of yesterday; to give her as much weight in the other House as the largest State in this Union, and as much weight in this body as some of the smallest, without any evidence whatever that her population is sufficient to entitle her to admission; we are called upon to allow her two Representatives, when it is exceedingly doubtful whether she be entitled to one. We are called upon not only to put her upon an equality with the other States, but to give her a preference over them, since we assign her a larger representation than she is entitled to. I cannot consent to do this. I might overlook matters of form, but I cannot sanction a proceeding which, in my opinion, would be a violation of every principle and a departure from every precedent relating to the admission of States into the Union, and their representation on this floor.

Why is it that certain gentlemen manifest such extreme anxiety for the admission of California? Why is it that they are impatient of the ordinary forms of legislation that retard her entrance? Why is it that they will not await the solemnities of marriage, but rush with indecent haste into the illegitimate embraces of their favorite? How comes it that those very gentlemen who have heretofore pertinaciously opposed every attempt to give California a territorial government are now striving to convert her suddenly into a sovereign State of this Confederacy? Sir, I can tell you why it is. It is because her constitution contains a clause of about four lines—a clause prohibiting slavery. If the constitution had contained a provision of an opposite character—if it had tolerated instead of prohibiting slavery—or even if it had been silent on the subject, these same gentlemen would have been found opposing her admission as vehemently as they are now advocating it.

For my own part I declare with the utmost sincerity, that if I oppose her admission into the Union it is not because she has prohibited slavery within her borders. I recognize to the fullest extent the right of her people to regulate this matter according to their own wishes. I have no doubt that if the question were again submitted to the people their decision would be the same, and the longer the vote is postponed the more decisive it

will be, from the fact that nine-tenths of the persons who emigrate to that country will always be from foreign countries or from non-slaveholding States of this Union.

Some gentlemen suppose that the immediate admission of California would tend to calm the excitement growing out of this question. But this is a fatal mistake. My opinion is that it would produce the very opposite result. Suppose a quarrel to have arisen between two men about the division of a loaf, and one were first to appropriate one-half of it to himself and then prepare to struggle for the remaining half, would such a proceeding tend to promote a fair division or an amicable settlement? If parties cannot agree upon a fair compromise of the question with an equality of votes in the Senate, is it probable that an addition of two votes to one side would make the party that received this addition to its strength more apt to listen to reasonable terms? I think not.

If, therefore, the admission of California is proposed as a distinct and isolated measure, unconnected with any other as a counterpoise, I shall vote against it; but if it were made the basis of a compromise, if it were offered as one of several conditions, (whether embraced in one bill or in several is immaterial,) looking to a full, fair, and honorable settlement of the question, I would cheerfully waive my objections to the measure. But I want the whole question growing out of this newly-acquired territory to be finally settled. I wish to leave no fragments behind for demagogues and fanatics to fatten upon between this and the next election. Every day adds to the difficulty of a satisfactory adjustment of it. The debate that is carried on here is certainly not of a character to calm the public excitement. It has, with few exceptions, consisted entirely of vehement appeals to sectional prejudices, of mutual attacks and recriminations, of invidious comparisons between the North and the South; and gentlemen have exhausted all their powers of eloquence to magnify the greatness and glories of their own States at the expense of others. Even the triumphs of our arms have been made the subject of angry controversy, and every State has her champion here, prepared to vindicate her claims to superior valor.

Sir, who doubts the courage of any portion of the people of this country? We are one race—the same blood flows in our veins; and to question the courage of any would be to question the courage of all. Let us, on the field of battle, emulate each other in deeds of daring—that is a noble and generous rivalry—but when the battle has been fought and won, let us not engage in an ignoble strife for the division of the spoils and the glory.

I have heard a great deal in this debate about a dissolution of the Union. Some gentlemen seem to view the union as a sort of commercial partnership entered into for pecuniary profit, and which may be dissolved whenever any member finds it for his interest to dissolve it. The gentleman from North Carolina [Mr. CLINGMAN] has furnished us some valuable statistics on this subject, and has succeeded in proving, to my entire satisfaction, that, in the event of a dissolution, railroad iron might be purchased cheaper in his State than it now is. That gentleman might have been certain that a Yankee would not be out-done in calculation—accordingly a gentleman from Massachu-

setts [Mr. MANN] has furnished us some data for ascertaining, not exactly how much Massachusetts would gain by a dissolution of the Union, (that would be rather a difficult matter to show,) but how much damage that event would enable her to inflict on the southern States. That gentleman seems to think that

"Just so much she doth make,
As from another she can take."

The gist of his argument is, that in the event of a dissolution many more slaves might be kidnapped than there now are; and as that gentleman is said to have manifested a decided predilection for that department of business, I presume his calculations on that subject may be relied on as correct. I will say to him, however, that it was not by such calculations as these that the people of his State have acquired the reputation of being the shrewdest and most practical race on the face of the earth. That gentleman has obtained some celebrity in the country from his devotion to the cause of public education; and judging from the specimen he gave us the other day, I am inclined to believe that both the country and himself would be the gainers were he hereafter to confine his labors to the juvenile portion of the community.

For my own part, Mr. Chairman, I have made no such calculations, and do not intend to make them. I have not yet learned to estimate the value of this Union in dollars and cents. I keep no ledger and day book in which I enter the profits and loss of the Union; I have struck no balance sheet between the North and the South, to ascertain which would gain or lose by a dissolution. Is there no value in national greatness and national glory?—in the proud recollections of the past, in the bright hopes of the future? Is there no value in the proud attitude which this republic holds in the civilized world; in respect and admiration abroad—in peace, tranquillity, and repose at home? And have those gentlemen who are so fond of calculating the value of the Union reversed the

picture? Have they calculated also the countless calamities that would follow in the train of disunion?—the dissension and discord—the civil brawls—the attacks and reprisals—the border warfare,—the petty hostilities—all terminating at last in wars surpassing in duration and fierceness all that is recorded in the annals of civilized warfare—wars that would impoverish the North and desolate the fields of the South. To avert calamities like these, I would sacrifice everything save honor. If honor cannot be preserved without such a sacrifice, I am prepared to make it. But let no sordid calculations of interest mingle in the contest. No, if this Union should be dissolved—if that bright cluster of stars whose mild effulgence illuminates the darkest corners of the earth, guiding the persecuted and oppressed throughout the world to freedom, should ever sink to rise no more, let those by whose efforts such a catastrophe is produced be prepared to vindicate their course by an appeal to loftier feelings than those.

Do gentlemen who are so fond of calculating the value of the Union know where and by whom that expression was first employed? In the Farewell Address of the Father of his Country we find this sentence, which is so applicable to the present state of our affairs, that I need make no apology for reading it at length:

"It is of infinite moment, that you should properly estimate the immense value of your national union, to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

This, sir, is the voice of Washington, speaking to us as it were from the tomb, and I for one will hearken to his admonitions.

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SPEECHES

OF

HON. JOHN C. CALHOUN,

AND

HON. DANIEL WEBSTER,

ON THE

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ADDRESS
OF THE
HON. JOHN C. CALHOUN,
IN THE SENATE OF THE UNITED STATES,
ON THE SUBJECT OF SLAVERY.

[READ FOR HIM BY HON. MR. MASON, MARCH 4. 1850.]

I HAVE, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country, to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that ever can come under your consideration, How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what measure it can be saved; just as it would be impossible for a physician to pronounce, in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause of the disease. The first question, then, presented for consideration, in the investigation I propose, in order to obtain such knowledge, is—what is it that has endangered the Union?

To this question there can be but one answer—that the immediate cause is, the almost universal discontent which pervades all the states composing the Southern section of the Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question is,—What has caused this wide-diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with disappointed, ambitious individuals, who resorted to it as the means of raising their fallen fortunes. There is no foundation for this opinion. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the people quiet. The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and restore quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of party ties will readily appreciate the immense force which this cause exerted against agitation, and in favor of preserving quiet. But, as great as it was, it was not sufficiently so to prevent the wide-spread discontent which now pervades the section. No; some cause far deeper and more powerful must exist to produce a discontent so wide and deep, than the one inferred. The question then recurs, what is the cause of this discontent? It will be found in the belief of the people of the Southern states, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question, then, to be considered, is, what has caused this belief?

One of the causes is, undoubtedly, to be traced to the long continued agitation of the slave question on the part of the North, and the many aggressions which they have

made on the rights of the South, during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another, lying back of it, but with which this is intimately connected, that may be regarded as the great and primary cause. It is to be found in the fact that the equilibrium between the two sections in the government, as it stood when the constitution was ratified and the government put in action, has been destroyed. At that time, there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but as it now stands, one section has exclusive power of controlling the government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the government, under the first census of 1790, and the last census of 1840.

According to the former the population of the United States, including Vermont, Kentucky and Tennessee, which then were in their incipient condition of becoming states, but were not actually admitted, amounted to 3,929,827. Of this number the Northern states had 1,977,899, and the Southern 1,952,072, making a difference of only 25,827 in favor of the former states. The number of states, including Vermont, Kentucky and Tennessee, was sixteen, of which eight, including Vermont, belonged to the Northern section, and eight, including Kentucky and Tennessee, to the Southern, making an equal division of the states between the two sections, under the first census. There was a small preponderance in the House of Representatives, and in the electoral college, in favor of the Northern, owing to the fact that, according to the provisions of the constitution, in estimating federal numbers five slaves count but three; but it was too small to affect sensibly the perfect equilibrium of numbers which, with that exception, existed at that time—a true, perfect equilibrium. Such was the equality of the two sections when the states composing them agreed to enter into a federal Union. Since then the equilibrium between them has been greatly disturbed.

According to the last census, the aggregate population of the United States amounted to 17,063,357, of which the Northern section contained 9,728,920, and the Southern 7,334,437, making a difference, in round numbers, of 2,400,000. The number of states had increased from sixteen to twenty-six, making an addition of ten states. In the mean time, the position of Delaware had become doubtful, as to which section she properly belonged. Considering her as neutral, the Northern states will have thirteen, and the Southern states twelve, making a difference in the Senate of two Senators in favor of the former. According to the apportionment under the census of 1843, there were 223 members of the House of Representatives, of which the Northern states had 135, and the Southern states) considering Delaware as neutral) 87; making a difference in favor of the former, in the House of Representatives, of 48; the difference in the Senate of two members added to this, gives to the North in the electoral college a majority of 50. Since the census of 1840, four states have been added to the Union; Iowa, Wisconsin, Florida and Texas. They leave the difference in the Senate as it stood when the census was taken, but add two to the side of the North in the House, making the present majority in the House, in its favor, of 50, and in the electoral college, of 52.

The result of the whole is to give the Northern section a predominance in every department of the government, and thus concentrate in it the two elements which constitute the federal government—majority of states, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself must possess control of the entire government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives, and in the electoral college. The prospect is, also, that a great increase will be added to its present preponderance during the period of the decade, by the addition of new states. Two territories—Oregon and Minnesota—are already in progress, and strenuous efforts are making to bring in three additional states from the territory recently conquered from Mexico, which, if successful, will add three other states in a short time to the Northern section, making five states, and increasing its present number of states from 15 to 20, and of its Senators from 30 to 40. On the contrary, there is not a single territory in progress in the Southern section, and no certainty that any additional state will be added to it during the decade.

The prospect then is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly conquered territories succeed, will stand, before the end of the decade, twenty Northern States to twelve Southern (conceding Delaware as neutral,) and forty Northern Senators to twenty-four Southern. This great increase of Senators added to the great increase of members of the House of Representa-

tives, and electoral college, on the part of the North, which must take place upon the next decade, will effectually and eventually destroy the equilibrium which existed when the government commenced.

Had this destruction been the operation of time, without the interference of government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this Government, which was appointed as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected may be classed under three heads. The first is that series of acts by which the South has been excluded from the common territory belonging to all of the states, as the members of the federal Union, which has had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South. The next consists in adopting a system of revenue and disbursements by which an undue proportion of the burthen of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last in a system of political measures by which the original character of the Government has been radically changed.

I propose to bestow upon each of these, in order as they stand, a few remarks, with the view of showing that it is owing to the action of this Government that the equilibrium between the two sections has been destroyed; and the whole power of the system centred in a sectional majority.

The first of the series of acts by which the South was deprived of its due share of the territories originated with the confederacy which preceded the existence of this Government. It is to be found in the provisions of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi, now embracing five states and one territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies North of 36 30, excepting what is included in the state of Missouri. The last of the series excludes the South from the whole of the Oregon territory. All these in the slang of the day were what is called slave territory, and not free soil; that is, territories belonging to slaveholding powers, and open to the emigration of masters with their slaves. By these several acts the South was excluded from 1,238,025 square miles, an extent of country considerably exceeding the entire valley of the Mississippi.

To the South was left the portion of the territory of Louisiana lying South of 36 30, and the portion North of it included in the state of Missouri; the portion lying South of 36 30, includes the state of Louisiana and Arkansas, and the territory lying West of the latter and South of 36 30 called the Indian country. A portion lying South of this, with the territory of Florida, now the State, makes in the whole 283,503 square miles. —To this must be added the territory acquired with Texas. If the whole should be added to the Southern section, it would make an increase of 325,520, which would make the whole left to the South 609,023. But a large part of Texas is still in contest between the two sections, which leaves uncertain what will be the real extent of the portion of her territory that may be left to the South.

I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which Southern laws have already been excluded 527,078 square miles, and would increase the whole the North has appropriated to herself, to 1,764,023, not including the portion which she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three-fourths of the whole, and leave the South but about one-fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the main source from which the government has derived its revenue is the duties on imports. I shall not undertake to show that all such duties must necessarily fall mainly on the exporting states, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue, because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from the South to the North, which, under an equal system of revenue and disbursement, would not have been lost to her. If to this be added that many of the duties were imposed, not for revenue but for protection, that is, intended to put money,

not into the treasury, but directly into the pocket of the manufacturers, some conception may be formed of the immense amount which in the long course of so many years has been transferred from the South to the North. There are no data by which it can be estimated with any certainty; but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and by that greatly increase her population, by attracting emigration from all quarters in that direction.

This, combined with the great and primary cause, amply explains why the North has acquired a preponderance over every department of the government, by its disproportionate increase of population and states. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for by the number of emigrants, and the increase of their descendants, which has been attracted to the Northern section from Europe and the Southern section, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which has been extracted from her by the fiscal action of the government, and if they had not been excluded, by the ordinance of 1787 and the Missouri compromise, from the region lying between the Ohio and the Mississippi, and between the Mississippi and the Rocky Mountains, North of 36 30, it scarcely admits of a doubt that she would have divided the emigration with the North, and by retaining her own people, would have at least equalled the North in population, under the census of 1840, and probably under that about to be taken. She would also, if she had retained her equal rights in those territories, have maintained an equality in the number of states with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the government. The loss, then, of the equilibrium, is to be attributed to the action of this Government.

But while these measures were destroying the equilibrium between the two sections, the action of Government was leading to a radical change in its character by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the government; that it proceeded almost without interruption, step by step, until it absorbed, virtually, its entire powers. Without, however, going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

That this government claims, and practically maintains, the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. It is equally certain that it also claims the right to resort to force, to maintain whatever power she claims against all opposition. Indeed, it is apparent from what we daily hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government claiming and exercising such rights? And, if none can be, how can the separate government of the states maintain and protect the powers reserved to them by the constitution, or the people of the several states maintain those which are reserved to them, and among them, their sovereign powers, by which they ordained and established, not only their separate state constitutions and governments, but also the constitution and government of the United States? But if they have no constitutional means of maintaining them against the right claimed by this government, it necessarily follows that they hold them at its pleasure and discretion, and that all the powers of the system are, in reality, concentrated in it. It also follows that the character of the government has been changed in consequence, from a federal republic, as it originally came from the hands of its framers, and that it has been changed into a great national consolidated democracy. It has, indeed, at present, all the characteristics of the latter, and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined, is that the North has acquired a decided ascendancy over every department of this government, and through it, a control over all the powers of the system. A single section, governed by the will of the numerical majority, has now, in fact, the control of the government, and the entire powers of the system. What was once a constitutional federal republic, is now converted, in reality, into one as absolute as that of the autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

As, then, the North has the absolute control over the government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist, through the action of the government. But if there were no questions of vital importance to the South, in refer-

ence to which there was a diversity of views between the two sections, this state of things might be endured, without the hazard of destruction by the South. But such is not the fact. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are opposite and hostile as they can possibly be.

I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for suppressing it, by the use of all and every means. Those less opposed and hostile regard it as a crime—an offence against humanity, as they call it, and although not so fanatical, feel themselves bound to use all efforts to effect the same object. While those who are least opposed and hostile regard it as a blot and a stain on the character of what they call the nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation and wretchedness, and accordingly feel bound, by every consideration of interest, safety and duty, to defend it.

This hostile feeling on the part of the North toward the social organization of the South, long lay dormant; but it only required some cause, which would make the impression on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this government, and of the control of the Northern section over all of it, furnished the cause. It was they made an impression on the minds of many, that there was little or no restraint to prevent the government to do whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action, for the purpose of destroying the existing relation between the two races in the South.

The first organized movement toward it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South through the mail. The South was thoroughly aroused; meetings were held everywhere, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection if it was not arrested. At the meeting of Congress, petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave trade between the states, avowing at the same time that their ultimate object was to abolish slavery not only in the District but in the states, and throughout the Union. At this period, the number engaged in the agitation was small, and it possessed little or no personal influence.

Neither party in Congress had, at that time, any sympathy with them or their cause. The members of each party presented their petitions with great reluctance. Nevertheless, as small and as contemptible as the party then was, both of the great parties of the North dreaded them. They felt that, though small, they were organized in reference to a subject which had a great and a commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who opposed by favoring them. The effect was that both united in insisting that the petitions should be received, and Congress take jurisdiction of the subject for which they prayed; and, to justify their course, took the extraordinary ground that Congress was bound to receive petitions on every subject, however objectionable it might be, and whether they had or had not jurisdiction over the subject. These views prevailed in the House of Representatives, and partially in the Senate, and thus the party succeeded, in their first movement, in gaining what they proposed—a position in Congress from which the agitation could be extended over the whole Union. This was the commencement of the agitation which has ever since continued, and which, as it is now acknowledged, has endangered the Union itself.

As to myself, I believed, at that early period, if the party who got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would, in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take ground against taking jurisdiction, but in vain. Had my voice been heard, and Congress refused taking jurisdiction by the united votes of all parties, the agitation which followed would have been prevented, and the fanatic movements accompanying the agitation, which have brought us to our present perilous condition, would have become extinct from the want of something to feed the flame. That was the time for the North to show her devotion to

the Union ; but unfortunately, both of the great parties of that section were so intent on obtaining or retaining party ascendancy, that all other considerations were overlooked or forgotten.

What have since followed are but natural consequences. With the success of their first movement, this small fanatical party began to acquire strength, and with that, to become an object of courtship to both of the great parties. The necessary consequence was, a farther increase of power, and a gradual tainting of the opinions of both of the other parties with their doctrines, until the infection has extended over both, and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still keeps up its distinctive organization, hardly ever fail, when it comes to acting, to co-operate in carrying out their measures. With the increase of their influence, they extend the sphere of their action.—In a short period after they had commenced their first movement, they had acquired sufficient influence to induce the Legislatures of most of the Northern states to pass acts which, in effect, abrogated the provision of the constitution that provides for the delivering up of fugitive slaves.

Not long after, petitions followed to abolish slavery in forts, magazines and dock-yards, and all other places where Congress had exclusive power of legislation. This was followed by petitions, and resolutions of Legislatures of the Northern States, and popular meetings, to exclude the Southern states from all territories acquired, or to be acquired, and to prevent the admission of any state hereafter into the Union which by its constitution does not prohibit slavery. And Congress is invoked to do all this expressly with the view of the final abolition of slavery in the States. That has been avowed to be the ultimate object, from the beginning of the agitation until the present time, and yet the great body of both parties of the North, with the full knowledge of the fact, although disowning the abolitionists, have co-operated with them in almost all their measures.

Such is a brief history of the agitation, so far as it has yet advanced. Now, I ask, Senators, what is there to prevent its farther progress, until it fulfills the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which have added to its increase from its original small and contemptible beginning, until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin, and ought to be suppressed—weaker now than at the commencement? Or is the abolition party less numerous or influential? Or have they less influence over elections? or less control over the two great parties of the North in elections? Or has the South greater means of influencing or controlling the movements of this government now than it had when the agitation commenced? To all these questions but one answer can be given. No. No. No. The very reverse is true. Instead of weaker, all the elements in favor of agitation are stronger now than they were in 1835, when the agitation first commenced. While all the elements of influence on the part of the South are weaker, I again ask, what is to stop this agitation, unless something decisive is done, until the great and final object at which it aims—the abolition of slavery in the South—is consummated? Is it then, not certain that, if something decisive is not now done to arrest it, the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede, to dissolve the Union; agitation will of itself effect it, of which its past history furnishes abundant proof, as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bind these States together in one common union are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process and in succession that the cords can snap, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the states together are not only many, but various in character. Among them some are spiritual or ecclesiastical; some political; others social; others appertain to the benefits conferred by the Union; and others to the feelings of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature consisted in the unity of the great religious denominations, all of which originally embraced the Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings the principal clergymen and lay members of the respective denominations from all parts of the Union met, to transact business relating

to their common concerns. It was not confined to what appertained to the doctrines and discipline of the respective denominations, but extended to plans for disseminating the Bible, establishing missionaries, distributing tracts, and establishing presses for the publication of tracts, newspapers and periodicals, with a view of diffusing religious information, and for the support of the doctrines and creeds of the denomination. All this combined contributed greatly to strengthen the bonds of the Union. The strong ties which held each denomination together, formed a strong cord to hold the whole Union together; but as powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped under its explosive force was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together are all broken, and its unity gone. They now form separate churches, and instead of that feeling of attachment and devotion to the interests of the whole church, which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property.

The next cord that snapped was that of the Baptists, one of the largest and most respectable of the denominations; that of the Presbyterians is not entirely snapped, but some of its strands have given way; that of the Episcopal church is the only one of the four great Protestant denominations which remains unbroken and entire. The strongest cord of a political character consists of the many and strong ties that have held together the two great parties, which have, with some modifications, existed from the beginning of the government. They both extended to every portion of the Union, and had strongly contributed to hold all its parts together. But this powerful cord has proved no better than the spiritual. It resisted for a long time the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, nearly so. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by snapping asunder and weakening the cords which bind it together.

If the agitation goes on, the same force acting with increased intensity as has been shown, there will be nothing left to hold the states together, except force.—But surely that can, with no propriety of language, be called a Union, when the only means by which the weaker is held connected with the stronger portion is force. It may, indeed, keep them connected, but the connection will partake much more of the character of subjugation on the part of the weaker to the stronger, than the Union of free independent and sovereign states in one federal union, as they stood in the early stages of the Government, and which only is worthy of the sacred name of union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the great question again recurs, how can the Union be saved? To this I answer, there is but one way by which it can be, and that is, by adopting such measures as will satisfy the states belonging to the Southern section that they can remain in the Union consistently with their honor and their safety. There is again, only one way by which that can be effected, and that is, by removing the causes by which this belief has been produced. Do that, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union be removed. The question then is: By what means can this be done? But before I undertake to answer this question, I propose to show by what it cannot be done.

It cannot then be done by eulogies on the Union, however splendid or numerous. The cry of Union! Union! the glorious Union! can no more prevent disunion than the cry of health! health! glorious health! on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character by not much less than a majority of the states, it will be in vain to attempt to concentrate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants, but we cannot believe them to be sincere; for if they loved the Union, they would necessarily be devoted to the constitution. It made the Union, and to destroy the constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the constitution is, to abstain on the one hand from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing those high duties, that the constitution can be preserved, and with it the Union.

But how then stands the profession of devotion to the Union by our assailants, when brought to this test? Have they abstained from violating the constitution? Let the many acts passed by the Northern states to set aside and annul the clause of the constitution providing for the delivery up of fugitive slaves, answer. I cite this, not that it is the only instance (for there are many others), but because the violation in this particular is too notorious and palpable to be denied. Again, have they stood forth faith-

fully to repel violations of the constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on for fifteen years, avowedly for the purpose of abolishing slavery in the states—an object all acknowledge to be unconstitutional—answer. Let them show a single instance, during this long period, in which they have denounced the agitators, or their many attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all those facts before us, believe that they are sincere in their professions of devotion to the Union; or avoid believing that, by assuming the cloak of patriotism, their profession is but intended to increase the vigor of their assaults, and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this, and pursue the course they obviously do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation, that while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find anything in his history to deter us from seceding from the Union, should it fail to fulfill the objects for which it was instituted, by being permanently and hopelessly converted into the means of oppression instead of protection. On the contrary we find much in his example to encourage us; should we be forced to the extremity of deciding between submission and disunion.

There existed then as well as now, a union—that between the parent country and her then colonies. It was a union that had much to eudear it to the people of the colonies. Under its protecting and superintending care the colonies were planted and grew up and prospered through a long course of years, until they became populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born, and nurtured, and grew up to manhood under that union. He acquired his early distinction in its service; and there is every reason to believe that he was devotedly attached to it. But his devotion was a rational one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfill its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that union was forever severed, and the independence of these states established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, or that of the administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator, and proceed directly to the consideration of that of the administration. I however assure the distinguished and able Senator that, in taking this course, no disrespect whatever is intended to him or to his plan. I have adopted it, because so many Senators of distinguished abilities, who were present when he delivered his speech and explanation of his plan, and who were fully capable to do justice to the side they support, have replied to him.

The plan of the administration cannot save the Union, because it can have no effect toward satisfying the states composing the Southern section of the Union, that they can consistently with safety and honor remain in the Union. It is, in fact, but a modification of the Wilmot proviso. It proposes to effect the same object—to exclude the South from all the territory acquired by the Mexican treaty. It is well known that the South is united against the Wilmot proviso, and has committed itself by solemn resolutions to resist, should it be adopted. Its opposition is not to the name, but to that which it proposes to effect. That the Southern states hold it to be unconstitutional, unjust, inconsistent with their equality as members of the common Union, and calculated to destroy irretrievably the equilibrium between the two sections. These objections equally apply to what, for brevity, I will call the Executive proviso. There is no difference between it and the Wilmot, except in the mode of effecting the object; and in that respect, I must say, that the latter is much the least objectionable. It goes to its object openly, boldly and directly. It claims for Congress unlimited power over the territories, and proposes to assert it over the territories acquired from Mexico, by a

positive prohibition of slavery. Not so the Executive proviso. It takes an indirect course, and in order to elude the Wilmot proviso, and thereby avoid encountering the united and determined resistance of the South, it denies, by implication, the authority of Congress to legislate for the territories, and claims the right as belonging exclusively to the inhabitants of the territories. But to effect the object of excluding the South, it takes care, in the mean time, of letting in emigrants from the Northern states, and other quarters, except emigrants from the South, which it takes special care to exclude, by holding up to them the dread of having their slaves liberated under the Mexican laws. The necessary consequence is, to exclude the South from the territory, just as effectually as would the Wilmot proviso. The only difference in this respect is, that what one proposes to effect directly and openly, the other proposes to effect indirectly and covertly.

But the Executive proviso is more objectionable still than the Wilmot, in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the constitution, by depriving the Southern states, as joint partners and owners of the territories, of their rights in them; but it inflicts no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it inflicts the same wound, inflicts others equally great, and if possible greater, as I shall next proceed to explain.

In claiming the right for the inhabitants, instead of Congress, to legislate over the territories, in the Executive proviso, it assumes that the sovereignty over the territories is vested in the former; or, to express it in the language used in a resolution offered by one of the Senators from Texas, (Gen. Houston, now absent,) "they have the same inherent right of self-government as the people in the states." The assumption is utterly false, unconstitutional, without example, and contrary to the entire practice of the government, from its commencement to the present time, as I shall next proceed to show.

The recent movement of individuals in California to form a constitution and a state government, and to appoint Senators and Representatives, is the first fruit of this monstrous assumption. If the individuals who have made this movement had gone into California as adventurers, and if, as such, they had conquered the territory, and established their independence, the sovereignty of the country would have been vested in them as a separate and independent community. In that case they would have had the right to form a constitution and to establish a government for themselves—and if, after that, they had thought proper to apply to Congress for admission into the Union as a sovereign and independent state, all this would have been regular and according to established principles. But such is not the case. It was the United States who conquered California, and finally acquired it by treaty. The sovereignty, of course, is vested in them, and not in the individuals who have attempted to form a constitution as a state without their consent. All this is clear beyond controversy, unless it can be shown that they have since lost or been divested of their sovereignty.

Nor is it less clear that the power of legislating over the territory is vested in Congress, and not, as is assumed, in the inhabitants of the territories. None can deny that the Government of the United States have the power to acquire territories, either by war or by treaty: but if the power to acquire exists, it belongs to Congress to carry it into execution. On this point there can be no doubt, for the constitution expressly provides that Congress shall have power "to make all laws which shall be necessary and proper to carry into execution the foregoing powers," (those vested in Congress) "and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." It matters not, then, where the power is vested; for if vested at all in the government of the United States or any of its departments or officers, the power carrying it into execution is clearly vested in Congress. But this important proviso, while it gives to Congress the power of legislating over territories, imposes important restrictions on its exercise, by restricting Congress to passing laws necessary and proper for carrying the power into execution. The prohibition extends, not only to all laws not suitable or appropriate to the object, but also to all that are unjust, unequal or unfair, for all such laws would be unnecessary and improper, and therefore, unconstitutional.

Having now established beyond controversy that the sovereignty over the territories is vested in the United States—that is, in the several states composing the Union—and that the power of legislating over them is expressly vested in Congress, it follows that the individuals in California who have undertaken to form a constitution and a state, and to exercise the power of legislation, without the consent of Congress, have usurped the sovereignty of the states and the authority of Congress, and have acted in open defiance of both. In other words, what they have done is revolutionary and rebellious in its character, anarchical in its tendency, and calculated to lead to the most dangerous consequences. Had they acted from premeditation and design, it would have been in

fact an actual rebellion, but such is not the case. The blame lies much less upon them, than upon those who have induced them to take a course so unconstitutional and dangerous. They have been led into it by language held here, and the course pursued by the executive branch of the government.

I have not seen the answer of the Executive to the calls made by the two houses of Congress, for information as to the course which it took, or the part which it acted, in reference to what was done in California. I understand the answers have not yet been printed. But there is enough known to justify the assertion that those who profess to represent and act under the authority of the Executive have advised, aided and encouraged the movement which terminated in forming what they call a constitution and a state. General Riley, who professed to act as civil Governor, called the Convention, determined on the number and distribution of the delegates, appointed the time and place of its meetings, was present during the session, and gave its proceedings his approbation and sanction. If he acted without authority, he ought to have been tried, or at least reprimanded and disarmed. Neither having been done, the presumption is that his course has been approved. This, of itself, is sufficient to identify the Executive with his acts, and to make it responsible for them. I touch not the question whether General Riley was appointed, or received the instructions under which he professed to act, from the present Executive or its predecessor. If from the former, it would implicate the preceding as well as the present administration. If not, the responsibility rests exclusively on the present.

It is manifest, from this statement, that the Executive Department has undertaken to perform acts, preparatory to the meeting of the individuals, to form their so called constitution and State government, which appertained exclusively to Congress. Indeed, they are identical in many respects with the provisions adopted by Congress, when it gives permission to a territory to form a constitution and government, in order to be admitted as a State into the Union.

Having now shown that the assumption upon which the Executive and the individuals in California acted, throughout this whole affair, is informal, unconstitutional, and dangerous, it remains to make a few remarks, in order to show that what has been done is contrary to the entire practice of government, from its commencement to the present time.

From its commencement until the time when Michigan was admitted, the practice was uniform. Territorial governments were first organized by Congress. The government of the United States appointed the governors, judges, secretaries, marshals, and other officers, and the inhabitants of the territory were represented by legislative bodies, whose acts were subject to the revision of Congress. This state of things continued until the government of a territory applied to Congress to permit its inhabitants to form a constitution and government, preparatory to admission into the Union. The preliminary act to giving permission was to ascertain whether the inhabitants were sufficiently numerous to authorize them to be formed into a State. This was done by taking a census. That being done, and the number proving sufficient, permission was granted. The act granting it fixed all the preliminaries—the time and place of holding the convention; the qualification of the voters; establishing its boundaries, and all other measures necessary to be settled previous to admission. The act giving permission necessarily withdraws the sovereignty of the United States, and leaves the inhabitants of the incipient State as free to form their constitution and government as were the original States of the Union after they had declared their independence. At this stage, the inhabitants of the territory became for the first time a people, in legal and constitutional language. Prior to this, they were, by the old acts of Congress, called inhabitants, and not people. All this is perfectly consistent with the sovereignty of the United States, with the powers of Congress, and with the right of a people to self-government.

Michigan was the first case in which there was any departure from the uniform rule of acting. Hers was a very slight departure from established usage. The ordinance of '87 secured to her the right of becoming a State, when she should have 60,000 inhabitants. Owing to some neglect, Congress delayed taking the census. In the mean time, her population increased until it clearly exceeded more than twice the number which entitled her to admission. At this stage she formed a constitution and government without the census being taken by the United States, and Congress received the admission without going through the formality of taking it, as there was no doubt she had more than a sufficient number to entitle her to admission. She was not admitted at the first session she applied, owing to some difficulty respecting the boundary between her and Ohio. The great irregularity, as to her admission, took place at the next session, but on a point which can have no possible connection with the case of California.

The irregularity in all other cases that have since occurred, is of a similar character. In all, there existed territorial governments, established by Congress, with officers ap-

pointed by the United States. In all, the territorial government took the lead in calling conventions, and fixing preliminaries, preparatory to the formation of a constitution and admission into the Union. They all recognized the sovereignty of the United States, and the authority of Congress over the territories; and, whenever there was any departure from established usage, it was done on the presumed consent of Congress, and not in defiance of its authority, or the sovereignty of the United States over the territories. In this respect California stands alone, without usage or a single example to cover her case.

It belongs now, Senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper purporting to be the constitution of California before you, and asks you to admit her into the Union as a State, and the question is, will you or will you not admit her? It is a grave question, and there rests upon you a heavy responsibility. Much, very much will depend upon your decision. If you admit her, you endorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the territories—a power expressly vested in Congress by the constitution, as has been fully established? Can you, consistent with your oath to support the constitution, surrender it? Are you prepared to admit that the inhabitants of the territories possess the sovereignty over them; and that any number, more or less, may claim any extent of territory they please; may form a constitution and government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever territory may be hereafter acquired, to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive department all the powers which you have heretofore exercised over the territories? If not, how can you, consistently with your duty and your oath to support the constitution, give your assent to the admission of California as a State, under a pretended constitution and government?

Can you believe that the project of a constitution which they have adopted has the least validity? Can you believe that there is such a state in reality as the state of California? No; there is no such state. It has no legal or constitutional existence. It has no validity, and can have none, without your sanction. How then, can you admit it as a state, when, according to the provisions of the constitution, your power is limited to admitting new states? That is, they must be states, existing states, independent of your sanction, before you can admit them. When you give your permission to the inhabitants of a territory to form a constitution and a state, the constitution and state they form derive their authority from the people, and not from you. The state, before admitted, is actually a state, and does not become so by the act of admission, as would be the case with California, should you admit her, contrary to constitutional provisions and established usages heretofore.

The Senators on the other side of the chamber must permit me to make a few remarks in this connection, particularly applicable to them. With the exception of a few Senators from the South, sitting on that side of the chamber, when the Oregon question was before this body, not two years since, you took, if I mistake not, universally, the ground that Congress had the sole and absolute power of legislating for the territories. How, then, can you now, after the short interval which has elapsed, abandon the ground which you then took, and thereby virtually admit that the power of legislating, instead of being in Congress, is in the inhabitants of the territories? How can you justify and sanction by your votes the acts of the Executive, which are in direct derogation to what you then contended for? But, to approach still nearer to the present time, how can you, after condemning, a little more than a year since, the grounds taken by the party which you defeated at the last election, wheel round and support by your votes the grounds which, as explained by the candidate of the party at the last election, are identical with those on which the Executive has acted in reference to California? What are we to understand by all this? Must we conclude that there is no sincerity, no faith, in the acts and declaration of public men, and that all is mere acting or hollow professions? Or are we to conclude that the exclusion of the South from the territories acquired from Mexico is an object of so paramount a character in your estimation that right, justice, constitution and consistency must all yield, when they stand in the way of our exclusion?

But, it may be asked, what is to be done with California, should she not be admitted? I answer, remand her back to the territorial condition, as was done in the case of Tennessee, in the early stage of the government. Congress, in her case, had established a territorial government, in the usual form, with a Governor, Judges, and other officers appointed by the United States. She was entitled, under the deed of cession, to be admitted into the Union as a state, as soon as she had 60,000 inhabitants. The territorial government believing it had the number, took a census, by which it appeared it exceeded it. She then formed a constitution as a state, and applied for admission.

Congress refused to admit her, on the grounds that the census should be taken by the United States, and that Congress had not determined whether the territory should be formed into one or two states, as it was authorized to do, under the cession. She returned quietly to her territorial condition. An act was passed to take a census by the United States, and providing that the territory should form one state. All afterward was regularly conducted, and the territory admitted as a state in due form. The irregularities in the case of California are immeasurably greater, and afford a much stronger reason for pursuing the same course. But, it may be said, California may not submit. That is not probable, but, if she should not, when she refuses, it will then be the time for us to decide what is to be done.

Having now shown what cannot save the Union, I return to the question with which I commenced—How can the Union be saved? There is but one way by which it can, with any certainty, be saved, and that is by a full and final settlement, on the principles of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the constitution, and no concessions or surrender to make. She has already surrendered so much, that she has little left to surrender. Such a settlement would go to the root of the evil, remove all cause of discontent, and satisfy the South that she could remain honestly and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it, to do justice, and perform her duty, in order to accomplish it—to do justice by conceding to the South an equal right in the acquired territory; and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and provide for the insertion of a provision in the constitution, by an amendment, which will restore in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision—one that will protect the South, and which at the same time will improve and strengthen the government, instead of impairing or weakening it.

But will the North agree to do this? It is for her to answer this question. But I will say she cannot refuse if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union is on the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice and to perform her duties under the constitution be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides as to what is to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be, and we, as the representatives of the states of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue between the two sections can be settled or not. If you who represent the stronger portion cannot agree to settle them on the broad principle of justice and duty, say so, and let the states we represent agree to separate and part in peace.

If you are willing we should part in peace, tell us so, and we shall know what to do when you reduce the question to submission or resistance. If you remain silent, you then compel us to infer what you intend. In that case California will become the test question. If you admit her under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying irretrievably the equilibrium between the two sections. We would be blind, not to perceive, in that case, that your real objects are power and aggrandizement; and infatuated, not to act accordingly.

I have now, Senators, done my duty, in expressing my opinions fully, freely and candidly on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement; and exerted myself to arrest it, with the intention of saving the Union, if it could be done; and, if it cannot, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout the whole of this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.

SPEECH
OF THE
HON. DANIEL WEBSTER,
IN THE SENATE OF THE UNITED STATES,
ON THE SUBJECT OF SLAVERY.

[DELIVERED MARCH 6, 1850.]

The VICE PRESIDENT stated the first business before the Senate to be the unfinished business of yesterday—the motion to refer to the Committee on Territories the message of the President of the United States, transmitting the constitution of California, upon which the Senator from Wisconsin [Mr. WALKER] had the floor.

Mr. WALKER.—Mr. President, this audience has not this morning assembled to hear me. There is but one man, in my opinion, who could have attracted them, and they expect to hear him. I feel it my duty, as well as my pleasure, to yield the floor to the honorable senator from Massachusetts, as I understand it is not material with him upon which of the two questions before the Senate he speaks.

Mr. WEBSTER.—Before I go on I must return my thanks to the Senator from Wisconsin [Mr. WALKER] and the Senator from New York [Mr. SEWARD] for their kind courtesy in allowing me to address the Senate this morning.

I wish to speak to-day, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. It is fortunate there is a Senate of the United States—a body not moved from its propriety, not lost to a just sense of its own dignity or its own high responsibility—a body to which the country looks with confidence—wise, moderate, patriotic, and with true feeling. It is not to be denied that we live in the midst of strong agitations, and in the midst of very considerable dangers to our institutions of government. The imprisoned winds are let loose. “The East, the North, and the stormy South, are all combined to make the whole ocean toss its billows to the skies, and disclose its profoundest depths.” I do not affect to hold, or to be fit to hold, the helm in this combat with the political elements; but I have a duty to perform, and I mean to perform it with fidelity—not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety—for I am looking out for no fragment upon which to float away from the wreck, if wreck is to ensue—but for the good of the whole and the preservation of the whole. There is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear or shall not appear for many days.

I speak to-day for the preservation of the Union, “Hear me for my cause.” I speak to-day from a solicitous and anxious desire for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. “Believe me for mine honor.” These are the topics that I propose to myself to discuss. These are the motives and the sole motives to influence me to communicate my opinions to the Senate and to the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I wish.

Mr. President, it may not be amiss to recur very briefly to the events, equally sudden and extraordinary, which have brought the political condition of this country to be what it now is. In May, 1846, the United States declared war against Mexico. Our armies, then on the frontiers, entered the provinces of that republic, met and defeated all her troops, penetrated her mountain passes, and occupied her capital. The marine forces of the United States took possession of her ports and towns on the Atlantic and the Pacific. In less than two years a treaty was negotiated, by which Mexico ceded to the United States a vast extent of territory, extending for seven or eight hundred miles along the shores of the Pacific, running back over the mountains and across the deserts, till it reached the frontier State of Texas. It so happened that, in the distracted and feeble state of the Mexican government, before the declaration of war by the United States against Mexico had become known in California, the people of California, under the direction of American officers, perhaps—Colonel Doniphan in particular—overturned the existing provincial government of California, of Mexican authority, and run

tip an independent flag. When the news arrived at San Francisco, that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this government hoisted in its stead. So, sir, before the war was over, the powers of the United States, military and naval, had possession of Upper California, and a great rush of emigrants, from various portions of the world, took place into California in 1846 and 1857.

And now behold another wonder. In January 1848, the Mormons it is said, or some of them, made a discovery of an extraordinary rich mine of gold—or rather of a very great quantity of gold, hardly fitted to be called a mine, because it lay so near the surface—at the lower part of the South or American branch of the Sacramento. They endeavored to conceal their discovery, and did so for some time. Near the same time another discovery—perhaps of greater importance—was made of gold in a higher part of the American branch of the Sacramento, and near to the fort so called. The fame of those discoveries spread far and wide. This excited more and more that spirit of emigration towards California which had already taken place. Persons crowded in hundreds and flocks towards the Bay of San Francisco. This, as I have said, took place in the winter and spring of 1848. The “diggings” commenced in the spring of that year; and from that time to this, the search for gold has been prosecuted with a success not heretofore known in the history of the globe. We all know how incredulous the American public was of the accounts which first reached us of this discovery. But we all know that they received and continue to receive daily confirmation; and down to the present moment, I suppose that the assurances are as strong, after the experience of those several months, that there are mines of gold apparently inexhaustible in the regions near San Francisco, in California, as they were at any period of the early transmission to us of those accounts.

It so happened that, although in a time of peace, it became a very great subject for legislative consideration and legislative decision to provide a proper territorial government for California; but differences of opinion in the councils of the government prevented the establishment of any such territorial government for California at the last session of Congress. Under this state of things, the inhabitants of San Francisco and California, then amounting to a great number of persons, in the summer of last year, thought it their duty to establish a local government. Under the proclamation of General Riley, the people chose delegates to a convention, and that convention met at Monterey. They framed a constitution for the State of California. It was adopted by the people of California in their primary character. Desirous of immediate connection with the United States, senators were appointed, and representatives chosen, who have come hither, bringing with them the authenticated constitution of the State of California, and they now present themselves, asking, in behalf of that State, that it may be admitted into the Union as one of the United States. This constitution contains an express prohibition against slavery or involuntary servitude in the State of California. It is said, and I suppose truly, that of the members who composed the convention, some thirty were natives and had been residents of the slaveholding States, and the residue, perhaps about twenty, were not such.

Mr. HALE—Will the honorable Senator give way till order is restored?

Mr. CASS—I trust, Mr. President, that the scene of the other day will not be renewed to-day. The Sergeant-at-Arms should display more energy, and take care to preserve order.

The VICE PRESIDENT—The Sergeant-at-Arms will close the doors, and permit no more to be admitted.

Order being restored,

Mr. WEBSTER resumed. It is this circumstance that has contributed to raise—I do not say that it has wholly raised—a dispute upon the propriety of the admission of California into the Union under these circumstances.

It is not to be denied, Mr. President—nobody thinks of denying—that, whatever reasons were assigned for the commencement of the late war with Mexico, it was prosecuted for the acquisition of territory, and under the argument that the cession of territory was the only form in which proper compensation could be made to the United States by Mexico for various claims and demands which the people of this country had against her. At any rate, it will be found that President Polk, in a message at the commencement of the session in December, 1847, avowed that the war was to be prosecuted till some acquisition of territory was obtained. And as the acquisition was south of the line of the United States, in warm climates and countries, it was naturally expected, I suppose, by the South, that whatever acquisitions were made in that region would be added to the slaveholding part of the United States. Events have turned out as was not expected, and that expectation has not been realized; and therefore, in some degree, disappointment and surprise have been excited. In other words, it is obvious that the question which has so long harassed the country, and at some times very seriously alarmed the minds of wise and good men, has come upon us for a fresh discussion—the question of slavery in these United States

Now, sir, I propose, perhaps at some little expense to the attention of the Senate, to review historically this question of slavery, which, partly in consequence of its own acts, and partly in consequence of the manner in which it has been discussed in one and the other portions of the country, has been the source of so much alienation and unkind feeling in different portions of the United States. We all know that slavery has existed in the world from time immemorial. There was slavery in the earliest history of oriental nations. There was slavery among the Jews. The theocratic government of that people made no injunctions against it. There was slavery among the Greeks; and the ingenious philosophy of the Greeks found, or sought to find, a justification of it exactly upon the grounds which have been assumed for such a justification in this country, that is, a natural and original difference between the races of mankind—the inferiority of the colored or black race to the white. The Greeks justified their system of slavery upon that ground precisely. They held the Africans and some portions of the Asiatic tribes to be inferior to the white race. They did not show, I think, by any close process of logic, that, if that were true, the more intelligent and the stronger had therefore the right to subjugate the weaker. A more manly philosophy and jurisprudence of the Romans placed the justification on entirely different grounds. The Roman jurists, from the very first dawn to the fall of the empire, admitted that slavery was against the natural law, by which they maintained that all men, of whatever clime, color, or capacity, were equal. But they justified slavery, first, upon the authority of the laws of nations, arguing, and arguing truly, that at that day the conventional law of nations admitted that captives in war—whose lives, according to the notion of that time, were at the absolute disposal of the captor—might, in exchange for exemption from death, be made slaves for life, and that that servitude might descend to their posterity. The jurists of Rome also maintained that by the civil law there might be servitude and slavery, personal and hereditary: first, by the voluntary act of the individual, who might sell himself into slavery; secondly, by his being received into a state of servitude by his creditors, to satisfy the debts he had incurred; and thirdly, by being placed in a state of servitude or slavery for crime.

At the introduction of Christianity into the world, the Roman empire was full of slaves. I suppose there is to be found no injunction against that relation between man and man in the teachings of the Gospel by Jesus Christ, or by any of his apostles. The object of the instructions given to mankind by the founder of Christianity was to touch the heart, purify the soul, and improve the lives of individual men. That object went directly to the first foundation of the political and social relations of men, to raise the individual heart and mind of man. Now, sir, upon the general nature, and character, and lawfulness of slavery, there exists a wide difference of opinion between the Northern portion of this country and the Southern. It is said, on the other side, that if not the subject of any injunction, or any direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; that it is oppression; it is like all unjust wars; like all those conflicts by which mighty nations subject weaker nations to their will. They think slavery, in its nature—whatever can be said of it in the modifications which take place in it in fact—is not according to the “meek spirit” of the apostle; it is not “kindly affection;” it does not “seek another’s, and not its own;” it does not “let the oppressed go free.” These are sentiments that are cherished, recently with greatly augmented force, among the people of the Northern states. They have taken hold of the religious sentiment of that part of the country, as they have more or less taken hold of the religious feelings of a considerable portion of mankind.

The South, upon the other side, having been accustomed to this relation between the races all their lives, from their birth—having been taught, in general, to treat the subjects of this bondage with care and kindness, and I believe, in general, to feel for them great care and kindness—have not taken this view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as those of any of their brethren at the North, who do not see the unlawfulness of slavery; and there are more, thousands, perhaps, that, whatever they may think of it in its origin, and as a matter depending upon natural right, yet take things as they are, and slavery to be an established relation of society where they live, and see no way in which—let their opinions upon the abstract question be what they may—it is in the power of the present generation to relieve themselves from this relation. And, in this respect, candor obliges me to say that I believe they are just as conscientious, many of them—and of the religious people, all of them—as we are in the North, holding different sentiments.

Why, sir, the honorable member from South Carolina [Mr. Calhoun] the other day alluded to the separation of that great religious community, the Methodist Episcopal Church. That separation was brought about by differences of opinion upon this particular subject of slavery. I felt great concern, as that dispute went on, about the result. I was anxious—I was in hope—that the differences of opinion might be healed; because I look upon that religious community as one of the great props of religion and

morals throughout the whole country, from Maine to New Orleans. The result was against my wishes and against my hopes. I have read all their proceedings, all their arguments; but I have never yet been able to come to the conclusion that there was any real ground for that separation—in other words, that any good could be produced by that separation.

Sir, when questions of this kind take hold of the religious sentiments of mankind, and come to be discussed in religious assemblies, by clergy and laity, there is always to be expected, and always to be feared, a great degree of excitement. It is in the nature of man, manifested by his whole history, that religious disputes are apt to become warm. Men's strength of conviction is proportioned to their view of the magnitude of the question.

In all such disputes, there will sometimes be men to be found, with whom everything will be absolutely wrong or absolutely right. They see the right clearly; they think others ought to—and they are disposed to establish a broad line of distinction between what they think right and what they hold to be wrong, and they are not seldom willing to establish that line upon their own conviction of the truth and justice of their own opinions. They are willing to mark and guard by placing along it a series of dogmas, as lines of boundary are marked by setting posts and stones.

There are men who, with clear perceptions, as they think, of their own duty, do not see how too hot a pursuit of one duty may involve them in the violation of others, or how too warm an embracement of one truth may lead them to disregard other truths equally important. As I heard it stated strongly, sir, not many days ago, these persons are disposed to mount upon some duty as a war-horse, to drive furiously in, and upon, and over, all other duties that may stand in the way.

There are men who, in times of that sort, and in disputes of that sort, are of opinion that human duties may be ascertained with the precision of mathematics. They deal with morals as with mathematics, and they think that what is right may be distinguished from what is wrong with all the precision of an algebraic equation. They have, therefore, none too much charity towards others who differ from them. They are apt to think that nothing is good but what is perfectly good; that there are no compromises or modifications to be made in submission to difference of opinion, or in deference to other men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness, to living in heavenly light, if that heavenly light is to be not absolutely without any imperfection.

These are impatient men, too impatient always to give heed to the admonition of St. Paul, that we are not "to do evil that good may come," too impatient to wait for the slow progress of moral causes in the improvement of mankind. They do not remember that the doctrines and the miracles of Jesus Christ have, in 1800 years, converted only a small portion of the human race; and, among the nations converted to Christianity, they forget how many vices and crimes, public and private, still prevail, and that many of them—the public crimes especially—offences against the Christian religion, pass without exciting particular regret or indignation. Thus wars are waged, and unjust wars. I do not deny that there may be just wars; there certainly are; but it was the remark of an eminent person, not many years ago, upon the other side of the Atlantic, that it was one of the greatest reproaches to human nature that wars were sometimes necessary for the defence of nations—that they were sometimes called for against the injustice of other nations.

In this state of sentiment upon the general nature of slavery lies the cause for a great portion of these unhappy divisions, exasperations, and reproaches, which find vent and support in different parts of the Union. Slavery does exist in the United States. It did exist in the States before the adoption of this constitution, and at the time of its adoption. And now let us consider, for a moment, what was the state of sentiment in the North and the South in regard to slavery at the time this constitution was adopted. A remarkable change has taken place since. What did the wise and good men of all parts of the country think of slavery? In what estimation did they hold it in 1787, when this constitution was adopted? It will be found, sir, if we carry ourselves, by historical research, back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no great diversity of opinion between the North and the South upon the subject of slavery; and it will be found that both parts of the country held it equally an evil—a moral and political evil. It will not be found that either at the North or at the South there was much—though there was some—invective against slavery, as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society was less strong and labor less productive. Therefore we find from all the eminent men of the South the clearest expression of their opinion that slavery was an evil; and they ascribe it—not without truth, and not without some acerbity of temper and force of language—to the injurious policy of the mother country, which, to favor the navigator, had entailed the evil upon the colonies. I need hardly refer to the publications of the day, or

to the matters of history upon record. The most eminent men, nearly all the conspicuous men, in all the South, held the same sentiments; that slavery was an evil; it was a blight; it was a blast; it was a mildew; it was a scourge; it was a curse. There were no terms of reprobation so violent in the North at that day as in the South. The North was not so much excited against it as the South. And the reason was, I suppose, that there was much less of it in the North than in the South; and the people did not see, or did not think they saw, the evils so prominently as they were seen, or thought to be seen, in the South.

Then, sir, when this constitution was formed, this was the light in which the convention viewed it. The convention reflected the judgment and the sentiment of the great men of the South. A member of the other House, whom I have not the honor to know, in a recent speech, has collected extracts from these published documents. They prove the truth of what I have said. The question then was how to deal with slavery, and how to deal with it as an evil. They came to this general result: they thought that slavery could not continue in the country if the importation of slaves should cease; and they therefore provided that for a certain period the importation of slaves might be prevented by the action of the new government. Twenty years were proposed by some gentleman—a northern gentleman, I think. Many of the southern gentlemen opposed it, as being too long. Mr. Madison especially was somewhat warm against it, and said it would bring too great an amount of that mischief into the country to allow the importation of slaves for such a period; because, in the whole of this discussion, when we are considering the sentiments and opinions in which this constitutional provision originated, we must take along with us the fact, that the conviction of all men was, that if the importation of slaves ceased, the white race would multiply faster than the black race, and that slavery would therefore gradually wear out and expire.

It may not be improper here to allude to that—I had almost said celebrated—opinion of Mr. Madison. You observe, sir, that term slavery is not used in the constitution. The constitution does not require that fugitive slaves shall be delivered up; it requires that persons bound to service in one state, and escaping into another, shall be delivered up. Mr. Madison opposed the introduction of the term slave or slavery into the constitution; for he said he did not wish to see it recognized by the constitution of the United States of America that there could be property in man.

All this took place in the convention of 1787; but connected with this, and contemporaneous with it, is another important consideration not sufficiently attended to. The convention for forming this constitution assembled in Philadelphia in May, and sat until December, 1787. During all that time, the Congress of the United States was in session at New York. It was a matter of design, as we know, that the convention should not assemble in the same State where Congress was holding its session. Almost all the public men of the country, therefore, of distinction and eminence, were in one or the other of these two assemblies; and I think it happened in some instances that the same gentlemen were members of both. If I mistake not, such was the case with Mr. Rufus King, then a member of Congress from Massachusetts, and at the same time a member from Massachusetts of the Convention which formed the Constitution. It was in the summer of 1787, and at the very time when the Convention in Philadelphia was framing this Constitution, that the Congress in New York was framing the ordinance of 1787. And they passed that ordinance on the 13th of July, 1787, at New York—the very month, and perhaps the very day, in which these questions of the importation of slaves and the character of slavery were debated in the Convention in Philadelphia. So far as we can now learn, there was a perfect concurrence of opinion between these respective bodies. It resulted in this: The ordinance of 1787, excluding slavery, was applied to all the territory over which the Congress of the United States had jurisdiction; that is, to all the territory Northwest of the Ohio. Three years before, Virginia and other States had made a cession of that great territory to the United States; and a most magnificent act it was. I never reflect upon it without a disposition to do honor and justice—and justice would be the highest honor—to Virginia for that act of cession of the Northwestern Territory. I will say, sir, that it is one of her fairest claims to the respect and gratitude of the United States, and that perhaps it is only second to that other claim which attaches to her; which is, that from her counsels, and from the intelligence and patriotism of her leading statesmen, proceeded the first idea put in practice for the formation of a general Constitution of the United States.

This ordinance of 1787, applying thus to the whole territory over which the Congress of the United States had any jurisdiction, was adopted nearly two years before the Constitution of the United States went into operation; because the ordinance took effect immediately upon its passage, while the constitution, after having been framed, was to be sent to the States, to be debated in their conventions, and to be adopted by them, and then the government was to be organized under it. This ordinance,

therefore, was in full operation and force when the constitution was adopted and its government put in motion, in March or April, 1789.

Mr. President, three things are quite clear as historical truths: One is, that there was an expectation that upon the ceasing of the importation of slaves from Africa, slavery would begin to run out. That was hoped and expected. Another is, that so far as there was any power in Congress to prevent the spread of slavery in the United States that power was executed in the most absolute manner, and to the fullest extent. An honorable gentleman, whose health does not allow him to be here to-day, [Mr. Calhoun,] said the other day in a speech to the Senate—

‘A SENATOR. He is here.

Mr. WEBSTER. I am very happy he is here. May he long be here in health, and in the enjoyment of strength to serve his country! The honorable member said that he considered this as the first in a series of measures calculated to enfeeble the South, and to deprive them of their just participation in the benefits and privileges of the government. He says, very properly, that it was done under the old confederation, and before this constitution went into effect.—My present purpose is only to say that it was done with the entire and unanimous concurrence of the whole South. There it stands: The vote of every State in the Union was unanimous in favor of that ordinance, with the exception of a single individual, and that individual was a northern member—while for that ordinance prohibiting slavery northwest of the Ohio, are the hand and zeal of every Southern member in Congress. This was the state of things, and the state of opinion under which these two very important matters were arranged, and these two important things done; that is, the adoption of the constitution and the recognition of slavery as it existed in the States, and the establishment of the ordinance prohibiting to the full extent of all territory owned by the United States, the introduction or existence of slavery.

And here, sir, we may pause. We may reflect for a moment upon that entire coincidence and concurrence of sentiment between the North and the South upon this question at the period of the adoption of the constitution. But opinion has changed—greatly changed—changed North and changed South. Slavery is not regarded in the South now as it was then. I see before me an honorable member of this body, [Mr. Mason,] paying me the honor to listen to my remarks, who brings to me freshly and vividly the sentiments of his great ancestor—so much distinguished in his day and generation, so worthy to be succeeded by so worthy a grandson—with all the strength and earnestness of the sentiments which he expressed in the convention in Philadelphia.

Here we may pause. There was a unanimity of sentiment, if not a general concurrence of sentiment, running through the whole community, but especially entertained by the eminent men of all portions of this country, in regard to this subject. But soon a change began. North and South. A change began, and a severance of opinion soon showed it—the North growing much more strong and warm against slavery, and the South growing much more strong and warm in its favor. There is no generation of mankind whose opinions are not subject to be influenced by what appears to be their present and emergent interest. I impute to the South no particular interested view in the change which has now come over her. I impute to her, certainly, no dishonorable views. All that has happened has been natural. It has followed causes which always influence the human mind and operate upon it.

What, then, has been the cause which has created so warm a feeling in favor of slavery at the South?—which has changed the whole nomenclature of the South in relation to this subject?—so that, instead of being referred to as an evil, a blight, a curse, slavery has now come to be an institution to be cherished—not a scourge and a misfortune to be deprecated, but a great political, social, and moral blessing, as I think I have heard it lately described. Well I suppose that this is owing to the sudden, surprising, and rapid growth of the cotton planting interest in the South. So far as any motive but honor and justice, and the general judgment has acted in forming their present opinions, this cotton interest has doubtless acted. It was this which gave to the South a new desire to promote slavery, to spread it, and to use this species of labor.—I again say that this was produced by causes which we must always expect to produce like effects. Men's interests became more deeply involved in it. If we look back to the history of the commerce of this country at the time of its commencement, what were our exports? Cotton was hardly raised at all. The tables will show that the exportation of cotton in the years 1790 and 1791 was hardly more than forty or fifty thousand dollars a year. It has gone on, increasing rapidly till it amounts now in a year of large product and high prices, to more than one hundred millions of dollars! Then there was more of flax, more of indigo, more of rice, more of almost anything else exported from the South than of cotton. I think that I have heard it said that, when Mr. Jefferson negotiated the treaty of 1794 with Great Britain, he did not know

that any cotton was raised in this country; and that when, under that treaty, which gave the United States the right to carry their own products in their own ships to British ports, a shipment of cotton was sent to England, the British custom-houses refused to admit it under the treaty, on the ground that there was none of that article raised in America. They would hardly say that now.—[Laughter.] Well, we all know that this cotton age has become a golden age for our Southern brethren.—It gratified their desire for improvement and for extending their operations. That desire grew with what it fed upon; and there soon came to be a greediness for other territory—a new area, or new areas, for the cultivation of the cotton crop; and measures were brought about one after another, under the lead of Southern gentlemen at the head of the government (they have a majority concurring in both branches of the legislature), to accomplish these ends.

The honorable Senator from South Carolina observed in his speech the other day that the North have a fixed majority in every department of the government. If that be true the North have acted very liberally and kindly, or else very weakly; for they have never exerted the power which that majority gives them five times in the whole history of the government. Whether they have been generous, or whether they were outgeneralled, I will not stop to discuss; but no one acquainted with the history of his country can deny that the general lead in the politics of this country, during three-fourths of the period which has elapsed since the formation of this government, has been a southern lead.

In 1802, in pursuit of the idea of opening new cotton regions, the United States obtained the cession from Georgia of her western territory, now embracing the rich and growing State of Alabama. In 1803, Louisiana was purchased from France, out of which the States of Louisiana, Arkansas, and Missouri, have been formed as slaveholding States. In 1819 the cession of Florida was made, bringing another addition of slaveholding property and territory.

The honorable Senator from South Carolina thought he saw in certain operations of the government, such as the manner of collecting the revenue, and the tendency of certain measures to promote immigration into the country, and so on, the causes for the more rapid growth of the North than of the South. He thinks that they were not the operations of time, but of the system of government which has been pursued. That is a matter of opinion. In a certain measure it may be so; but it does seem to me that, if any operations of the government can be shown to have promoted the population, and growth, and wealth of the North, there are sundry important and distinct operations of the Government, about which no man can doubt tending to promote, and absolutely known to have promoted, the slave States and the slave territory at the South. Allow me to say that it was not time that brought Louisiana in, but the act of man; it was not by the silent operation of time that Florida came in, but by the act of man; and, then, to complete these acts of man, which have contributed so much to enlarge the area and sphere of this institution of slavery, Texas—great, vast, illimitable Texas—was added to the Union as a slave State in 1845, and that, sir, pretty much closed the chapter and settled the whole account. It closed the whole chapter and settled the whole account, because the annexation of Texas, upon the conditions and under the guaranties upon which she was admitted, did not leave an acre of land capable of being cultivated by slave labor between this Capital and the Rio Grande or the Nueces, whichever is the proper boundary of Texas. Not an acre remained from that moment, sir. The whole country, from here to the western boundary of Texas, was fixed, pledged, decided to be slaveholding territory, by the most ample guaranties of law.

And I now say, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment within the United States, or within the Territories, a single foot of land the character of which, in regard to its being free-soil territory or slave territory, is not fixed by some law, and some irrevocable law—a law beyond the power of the action of this government. Now, is not that so with respect to Texas? Indeed, it is most manifestly so. The honorable gentleman from South Carolina, [Mr. CALHOUN,] at the time of the admission of Texas, held an important post in the executive department of government. He was Secretary of State. Another eminent person of great activity and adroitness of powers—I mean the late Secretary of the Treasury, [Mr. WALKER,]—was a leading member of this body: they took the lead in the business of annexation: and I must say that they did their work faithfully—there was no botch in it. [Laughter.] They rounded it off and made it as close joiners' work as ever was put together. The resolutions of annexation were brought into Congress fitly joined together—compact, firm, efficient, conclusive upon the great object which they had in view. Allow me to read a resolution. It is the third clause in the second section of the resolutions of the 1st of March, 1845, for the admission of Texas. That article reads in these words—

"New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire."

And then there is a provision that such territory as lies north of the Missouri compromise line shall be free States:—

"And such State or States as shall be formed out of said territory, north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Well, now, what is here pledged, stipulated for, enacted, secured? Why, it is that all Texas south of 36 deg. 30 min., which is nearly the whole of it, shall be admitted into the Union as a State—it was a slave State, and therefore it all came in as a slave State—and that new States shall be made out of it; and that such States, being formed out of that portion of Texas which lies south of 36 deg. 30 min., may come in as slave States, to the number of four, in addition to the State then in existence, and admitted under the resolution. Now, sir, I know of no formula, no mode of legislation, which can strengthen that resolution. I know no formal recognition of Congress that can add a title to it.

I listened with respectful attention to my honorable friend from Tennessee, [Mr. BELL], containing a proposition to recognize that stipulation with Texas. Why, sir, any additional recognition of it would weaken its force, because it stands here upon the ground of a compact for consideration. It is a law—a law founded in a contract with Texas, and is destined to carry that contract into effect. Recognition of the contract, for the purpose suggested, would not leave it as strong as it stands now upon the face of the original resolution.

Now, I know of no way—I candidly confess I know of no way—in which this government, acting in good faith—as I trust it always will—can relieve itself from that commitment, stipulation, and pledge, by any honest course of legislation upon it; and therefore I say that, so far as Texas is concerned—the whole of Texas south of 36 deg. 30 min., which I suppose embraces all the slave territory—there is no land, not an acre, the character of which is not established by law, and by law which cannot be repealed, without a violation of contract.

I hope, sir, it is now apparent that my proposition, so far as Texas is concerned, is made plain. And, sir, the provision in these articles—as has been well suggested by my friend—that that part of Texas which lies north of 36 deg. may be formed into free states, is dependent likewise upon the consent of Texas, herself a slaveholding state.

Well, now, how came it that these laws—when it is said by the honorable Senator from South Carolina that the free states have the majority—how came it that these resolutions of annexation, such I have described them, found a majority in both Houses of Congress? Why, sir, they found that majority by a vast addition of northern votes to a great portion of the southern votes. It was made up of northern votes. In the House of Representatives it stood, I think, about eighty southern votes for the admission of Texas, and about fifty northern votes.

Mr. DAVIS, of Massachusetts, (in his seat). All the Democrats were on one side.

Mr. WEBSTER.—I shall not forget that. [Laughter.] In the Senate the votes stood 27 for the admission of Texas, and 25 against it; and of these 27 votes, constituting a majority for its admission, not less than 13 of them came from the free states, and 4 of them from New England. So you see one-half of all the votes of this body for the admission of Texas, with this immeasurable extent of slave territory, was formed by Free Soil votes.

Sir, there is not so remarkable a chapter in our history of political votes, of political parties, of political men, as is afforded by this majority for the admission of Texas, with this territory that a bird cannot fly over in a week. [Laughter.] New England, with some of her votes, supported this measure. Three-quarters of the votes of liberty-loving Connecticut were given for it in the other House, and one-half here. And there was one vote for it in Maine—not, I am happy to say, the vote of the honorable member who addressed us day before yesterday, [Mr. Hamlin], who was then a member of the other House from Maine. But there was one vote from that state; ay, sir, there was one vote for it in Massachusetts—a gentleman then and now living in, and formerly representing a district in which the prevalence of free-soil sentiments has for a couple of years defeated the choice of any member of Congress. The body of eastern men who gave their votes thus at that time, or soon after, took upon themselves the nomenclature of the northern democracy. They were to wield the destiny of this empire, if I may call a republic an empire; and their policy was—and they persisted in it—to bring into this country all the territory they could. They did it under pledges—absolute pledges—to slavery, in case of Texas. And afterwards, in the case of this new conquest when the honorable Senator from Georgia [Mr. Berrien], in March, 1847, moved that

the Senate should declare that the war ought not to be prosecuted for the purpose of acquisition, conquest, and the dismemberment of Mexico—the same *northern democracy* unanimously voted against it. It did not get a vote from them. It suited the views, patriotism, and lofty sentiment of *northern democracy* to bring in a world among the mountains and valleys of New Mexico, or the northern part of Mexico, and then quarrel about it—to bring it in, and then put upon it the saving grace of the Wilmot proviso! [Laughter.] Why, sir, there were two very eminent and highly respectable persons from the North and East, then holding a high position in this Senate—I refer (and I do so with entire respect, for I entertain a high regard for both of them) to Mr. Dix, of New York, and Mr. Niles, of Connecticut—who voted for the admission of Texas. They would not have it otherwise than it stood, and would have it as it did stand. Those two gentlemen would have the resolutions of annexation just as they are, with their eyes open to them. Why, sir, my honorable friend from South Carolina [Mr. CALHOUN], who addressed us the other day, was then Secretary of State. His correspondence had been published. His correspondence with Mr. Murphy, the charge d'affaires of the United States to Texas, was all before those gentlemen; and he had the boldness and candor to avow in that correspondence, and then to publish that correspondence, that the great object sought by the annexation of Texas was to strengthen the slave interests of this country.

Mr. CALHOUN, (interposing). In this matter which I consider of so much importance, I deem it my duty to set the honorable Senator from Massachusetts right. I did not put it on the ground assumed by the Senator. I put it on this ground; that Great Britain had announced to this government, in so many words, that her object was to abolish slavery in Texas, and through Texas in the United States. And the ground I put it upon was this: that if Great Britain succeeded in her object, it would be impossible for our frontier to be secure against the operations of abolitionists, and that this government was bound to protect us, under the guarantees of the constitution, in such a state of things.

Mr. WEBSTER.—I suppose it amounts to exactly the same thing. It was, that Texas must be obtained for the security of the South; and that was the object set forth in the correspondence. I have occasion to know that there repose in the State Department strong letters from the very worthy gentleman who preceded the honorable Senator from South Carolina in that office, to the United States minister in England, and I suppose letters from the honorable senator himself to England, asserting to this extent the sentiments of this government; that Great Britain was not expected to interfere to take Texas out of the hands of the then existing government and make it a free country. But my conclusion is this: that those gentlemen who compose the Northern Democracy, when Texas was brought into the Union, saw it brought in, with all their eyes open, as a slave territory, and for the purpose of being maintained as a slave territory to the *Greek kalends*. That they saw; that they could not but see. I further think that the honorable Senator, who was then Secretary of State, might have, in some of the correspondence, suggested to Mr. Murphy that it was not expedient to say too much about this subject, as it would create some alarm. But he avowed it openly and manfully—for what he means he is very ready to say.

Mr. CALHOUN, (interposing). Always; always.

Mr. WEBSTER.—This was in 1845. Then, in 1847, *flagrante bello* between the United States and Mexico, this proposition was brought forward by my friend from Georgia. The northern democracy voted against it. Their remedy was to apply to this conquest, after it should come in, the Wilmot Proviso! Well, what followed? Why, those two gentlemen, worthy, honorable, and influential men, brought in Texas by their votes. They prevented the passage of the resolution of the honorable Senator from Georgia, and then they went home and took the lead in the free-soil party; and there they stand. They leave us here bound in honor and conscience by the resolutions of annexation; they leave us here to take the odium of fulfilling the obligations in favor of slavery, which they voted us into, or else the greater odium of violating these obligations, while they are at home making rousing and capital speeches for *free soil and no slavery*.—[Laughter.] Therefore, I say; Mr. President, that there is no chapter in our history, respecting public measures and public men, more full of what should create surprise, and more full of what does create, in my mind, extreme mortification, than the conduct of this northern democracy.

Sometimes, when a man is found in a new relation to things around him and to other men, he says the *world has changed*, and that he has not changed. I believe, sir, that our self-respect leads us often to make that declaration, in regard to ourselves, when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him is to change; and under present circumstances, and under the responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements at various times of my own opinions, and

resolutions respecting the admission of Texas, and all that has followed. As early as 1836, or the early part of 1837, it was a matter of conversation and correspondence between myself and some private friends. An honorable gentleman, long an acquaintance and friend of mine, now perhaps in this chamber—General Hamilton, of South Carolina—was knowing to that correspondence. I voted for the recognition of Texan independence because I believed it was an existing fact, surprising and astonishing as it was, and I wished well to the new republic. But I professed from the first an utter opposition to bring her with her territory into the United States; and having occasion, in 1837, to meet some friends in New York, on some political occasion, I stated my sentiments on that subject. It was the first time I had occasion to advert to it; and if I might ask a friend near me to read an extract from that speech, I think it would be proper to present it to the Senate, though it may be rather tedious. It was delivered at Niblo's Garden in 1837.

Mr. GREENE read as follows :

"Gentlemen, we all see that, by whomsoever possessed, Texas is likely to be a slaveholding country; and I frankly avow my entire unwillingness to do anything which shall extend the slavery of the African race on this continent, or add other slaveholding States to the Union.

"When I say that I regard slavery in itself as a great moral, social, and political evil, I only use language which has been adopted by distinguished men, themselves citizens of slaveholding States.

"I shall do nothing, therefore, to favor or encourage its further extension. We have slavery already among us.—The constitution found it among us, it recognized it, and gave it solemn guaranties.

"To the full extent of these guaranties, we are all bound in honor, in justice, and by the constitution. All the stipulations contained in the constitution in favor of the slaveholding States which are already in the Union ought to be fulfilled, and, so far as depends on me, shall be fulfilled in the fullness of their spirit and to the exactness of their letter. Slavery as it exists in the States is beyond the reach of Congress.

"It is a concern of the States themselves. They have never submitted it to Congress, and Congress has no rightful power over it.

"I shall concur, therefore, in no act, no measure, no menace, no indication of purpose, which shall interfere or threaten to interfere with the exclusive authority of the several States over the subject of slavery, as it exists within their respective limits. All this appears to me to be matter of plain and imperative duty.

"But when we come to speak of admitting new States, the subject assumes an entirely different aspect. Our rights and our duties are then both different.

"I see, therefore, no political necessity for the annexation of Texas to the Union—no advantages to be derived from it, and objections to it of a strong and, in my judgment, of a decisive character."

Mr. WEBSTER. I have nothing, sir, to add nor to take back from these sentiments. That, sir, you will perceive, and the Senate will perceive, was in 1837. The purpose of immediately annexing Texas at that time was abandoned or postponed. It was not revived with any vigor for some years. In the mean time, it so happened that I had become a member of the executive administration, and was there for a short period, in the Department of State. The annexation of Texas was a common subject of conversation—not confidential—with the President and heads of departments, as it was with other public men. But no serious attempt was made to bring it about.

I left the Department of State in May, 1843, and shortly after I learned from a source in no way connected with official information, that a design had been taken up to bring Texas with her slave territory and population into the United States.

I was here in Washington; and persons are now here who well remember that we had an arranged meeting for conversation upon it. I went home to Massachusetts, and proclaimed the existence of that purpose; but I could get very little attention. Some would not believe it, and some were engaged in their own pursuits. They had gone to their farms or their merchandise. It was impossible to raise any sentiment in New England or even Massachusetts, that should combine the two parties against annexation; and, indeed, there was no hope, from the first, of bringing the northern democracy into it. Even with the Whigs, and leading Whigs I am ashamed to say, there was a great indifference concerning the annexation of Texas with her slave territory into this Union. At that time I was out of Congress. The annexation resolutions passed the 1st of March, 1845. The Legislature of Texas complied with the conditions and accepted the guaranties; for the phraseology of the annexation resolutions is, that Texas is to come in "on the conditions and under the guaranties herein prescribed."

I happened to be returned to the Senate in March, 1845, and was here in December, 1845, when the acceptance by Texas of the conditions proposed by Congress was laid before us by the President, and an act for the consummation of the connexion was before the two houses. The connexion was completed. A final law, doing the deed of annexation, was ultimately adopted. When it was on its passage here, I expressed my opposition, and recorded my vote; and there the vote stands, with the observations I made upon that occasion. It happened, between 1837 and this time, that, on various occasions and opportunities, I have expressed my entire opposition to the admission of slave states, or the acquisition of new slave territory to be added to the United States. I know no change in my own sentiments or in my own purposes in that respect. I will only now, sir, read very briefly one other extract from a speech of mine, made at a convention held in Springfield, Massachusetts, September 27, 1847 :

"We hear much just now of a *panacea* for the dangers and evils of slavery and slave annexation, which they call the '*Wilnot Proviso*.' That certainly is a just sentiment, but it is not a sentiment to found any new party upon. It is not a sentiment on which Massachusetts Whigs differ. There is not a man in this hall who holds it more firmly than I do, nor one who adheres to it more than another.

"I feel some little interest in this matter, sir. Did not I commit myself in 1833 to the whole doctrine fully, entirely? And I must be permitted to say that I cannot quite consent that more recent discoverers should claim the merit and take out a patent.

"I deny the priority of the invention. Allow me to say, sir, it is not their thunder.

"We are to use the first and last and every occasion which offers to oppose the extension of slave power.

"But I speak of it here, as in Congress, as a political question—a question for statesmen to act upon. We must so regard it. I certainly do not mean to say that it is less important in a moral point of view, that it is not more important in many other points of view; but, as a legislator, or in any official capacity, I must look at it, consider it, and decide it, as a matter of political action."

On other occasions, sir, and in debates here, I have expressed my determination to vote for no acquisitions or annexations, North, South, East or West. My opinion has been that we have territory enough, and that we should use the Spartan maxim: "Improve, adorn what you have; seek no further."

I think, sir, that it was on some observations I made here on the three million loan bill, that I avowed that sentiment. It is short; and the sentiment has been avowed quite as often, in as many places, and before as many of the people of the United States, as any humble sentiment of mine has been avowed.

But now, sir, what is our condition? Texas is in with all her territories, as a slave State, with solemn pledges that if she is divided into many States, those States may come in as slave States south of 36 deg. 30 min. How are we to deal with them? I know of no way of honorable legislation, but, when the time comes for enactment, to carry into effect all that we have stipulated. I do not agree with my honorable friend from Tennessee, that as soon as there is room for another representative, according to numbers, we should create a new State. The truth, with regard to that, I think to be this: When we have created new States out of Territories, we have generally gone upon the idea that when there was population enough to entitle them to a member—60,000, or some such number—we should create a State. It may be thought a different thing, where a State is divided, and two or three are made out of one. It does not follow that the same rule of apportionment must prevail. But that, sir, is a matter for the consideration of Congress. When the proper time arrives, I may not be here. I may have no vote to give on the occasion; but I wish to be distinctly understood this day, that according to my view of the matter, this government is solemnly pledged by law to create new States out of Texas, with her consent, when her population shall justify such a proceeding, and so far as those new States are formed out of Texan territory lying south of 30 degrees 30 minutes, to let them in as slave States. That is the meaning of the resolution which our friends, the northern democracy, have left us here to fulfil it, because I will not violate the faith of the government.

Now, sir, as to California and New Mexico: I hold slavery to be excluded from those Territories by a law even superior to that which admits and sanctions slavery in Texas—I mean the law of nature—the law of physical geography—the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Understand me, sir; I mean slavery as we regard it—slaves in gross, of the colored race, transferable by sale and delivery as other property. I shall not contest the point. I leave that to the learned gentlemen who undertake to discuss it; but I suppose there are no slaves of that description in Mexico now, and suppose there never will be. I understand that this peonage, this sort of feudal servitude in which men are sold for debt, exists in California and some parts of Mexico. But what I mean to say is, that the existence of African slavery, as we see it here among us, is as utterly impossible to find itself or to be found in Mexico, as any other natural impossibility upon anything else. Why, sir, California and New Mexico are Asiatic in their formation and their scenery. They are composed of vast ridges of mountains, of an enormous height, sometimes broken by deep valleys. The sides of these mountains are barren—entirely barren. Their tops are capped by perennial snows. There may be in California, now made free by her constitution—and there are, no doubt—some tracts of valuable land; but it is much less valuable when you get into New Mexico. Pray what is the evidence upon this subject, which any gentleman has collected by information sought by himself, or stated by others? I have read all I could read, and learned all I could learn on the subject. What is there in New Mexico that could by possibility induce anybody to go there with a slave? There are some narrow slips of tillable land upon the borders of the rivers; but the rivers themselves dry up before midsummer. All that the native people can do is to raise some little articles—some little wheat and other grain for their own use, and all that by irrigation. Who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, anything, on lands in New Mexico, made fertile only by irrigation? I look upon it, therefore, as a 'fixed fact'—to use a current expression of the day—that both California and New

Mexico are destined to be free, so far as they are settled at all—which I believe, especially with regard to New Mexico, will be very little, for a great length of time—free by the arrangement of things by the powers above us.

And I have therefore, sir, to say on this respect also, that this country, is fixed for freedom to as many persons as shall ever live there by an irrepealable law—a more irrepealable law than the law which appeals to the right of holding slaves under legal enactments. And I will say further, sir, that if a resolution or a law were now before us to provide a territorial government for New Mexico, I would vote to put into it no prohibition whatever. The use of such a prohibition would be idle as it respects any effect upon the Territory. I would not take pains to re-affirm an ordinance of nature, nor to re-enact the will of God. I would put in no Wilmot Proviso for the purpose of a taunt and reproach—an evidence of superior votes or superior power—to wound the pride, even—whether a just and rational pride, or an irrational pride—to wound the pride even—whether a just or rational pride—to wound the pride of the gentleman and people of the Southern States. I have no such object and no such purpose. They would think it a taunt and an indignity. They would think it to be an act taking away from them what they regard as a proper equality or privilege. Whether they are expected to realize any benefit from it or not, they would feel that at least a theoretic wrong—something derogatory, in some degree, more or less, to their character—had taken place. I need not inflict any such wound upon the feelings of anybody, unless in a case where something essentially important to the country and efficient to the preservation of liberty and freedom is to be effected. Therefore I repeat, sir—and I repeat it because I wish to be understood about it—I do not propose to address the Senate often upon this subject. I desire to pour out all my heart as plainly as possible. I say, therefore, sir, that if the proposition were now here for a government for New Mexico, and it was moved to insert a provision for the prohibition of slavery, I would not vote for it.

Now, Mr. President, I have established, so far as I propose to go into any observations to establish, the proposition with which I set out—upon which I mean to stand or to fall; that is, that the whole territory in the States of the United States, or in newly acquired territories of the United States, has a fixed and settled character now—fixed and settled by law, which cannot be repealed, in the case of Texas, without violation of public faith, and which cannot be repealed by any human power in regard to California and New Mexico. Under one or the other of these laws, every foot of territory in the States or in the Territories has now received a fixed and decided character. Sir, if we were now making a government for New Mexico, and anybody should propose the Wilmot Proviso, I should treat it exactly as Mr. Polk treated that proposition for excluding slavery from Oregon. Mr. Polk was known to be in opinion decidedly adverse to the Wilmot Proviso, but he felt the necessity of a law for the government of the territory of Oregon. And though the Wilmot Proviso was there, he knew that it would be a perfectly nugatory Proviso; and since it must be entirely nugatory, since it took away no describable, estimable, weighable, or tangible right of the South, he said he would sign the bill for the sake of enacting a law for the government of the Territory, and let that entirely useless—and in that connexion entirely senseless—Proviso remain. For myself, I will say—we hear of the annexation of Canada—if there be any man, any of the northern democracy, or any of the free soil party, who suppose it necessary to insert a Wilmot Proviso in the territorial government of New Mexico, that man will of course be of opinion that it is necessary to protect the everlasting snows of Canada from the vote of slavery, by the same overpowering wing of an act of Congress. Now, sir, wherever there is a practical good to be done, wherever there is an inch of land to be stayed back from becoming a slave territory, I am ready to, insert the principle of the exclusion of slavery. I am pledged to that from 1837—pledged to it again and again—and I will perform those pledges. But I will not do a thing unnecessarily that wounds the feelings of others, or that does disgrace to my own understanding.

Mr. President, in the excited times in which we live, there is a state found to exist of mutual recrimination and recrimination between the South and the North. There are lists of grievances produced by each; and these grievances, really I suppose, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue the sense of fraternal connexion, of patriotic love, and mutual regard. I shall bestow a little attention upon these various grievances, produced by the one side and the other. I begin with the complaints of the South. I will not answer further than I have the general statement of the honorable member from South Carolina [Mr. CALHOUN], that the North has grown upon the South, in consequence of the manner of administering this government, collecting its revenues, &c. They are disputed topics which I have no inclination to enter into; but I will state these complaints, and especially one complaint of the South, which has, in my opinion, just foundation; which is, that there has been found at the North, among individuals, and among the legislatures of the North, a disinclination to perform fully their constitutional duties in regard to the return of

persons bound to service who have escaped into those States. In that respect, it is my judgment that the South is right and the North is wrong. Every member of every northern legislature is bound by oath to support the constitution of the United States; and this article of the constitution which says to these States that they shall deliver up fugitive slaves, is as binding in honor and in conscience as any other article; and no man fulfils his duty, under his oath, in any State legislature, who sets himself to work to find excuses, evasions, escapes from his constitutional duty. I have always thought that the constitution addressed itself to the legislatures of the States themselves, or to the States themselves. It says that those persons escaping into other States shall be delivered up; and I confess I have always been of opinion that that was an injunction upon the States themselves. It is said that a person escaping into another State, and becoming therefore within the jurisdiction of that State, shall be delivered up. It seems to me that the plain import of the passage is, that the State itself, in obedience to the injunction of the constitution, shall cause him to be delivered up. This is my judgment; I have always entertained it, and I entertain it now. But when the subject came, some years before, under the consideration of the Supreme Court of the United States, the majority of the judges held that the power to cause the fugitive from service to be delivered up was a power to be exercised under the authority of this government. I do not know upon the whole, that that may not have been a fortunate decision. I do not say that it is not a legal decision. My habit is, to receive the results of judicial deliberations and the solemnity of judicial decisions; but, as it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature. My friend at the head of the Judiciary Committee has a bill upon that subject now before the Senate, with some amendments to it which have been offered.

I propose to support that bill, with all proper authority and provisions in it, to the fullest extent—to the fullest extent. I desire to call the attention of all sober men, in the North—men carried away by no fanatical ideas—to their constitutional obligations upon this question and in this respect. I put it to all sober and sound men in the North, as a question of morals—a question of conscience—what right they have, in their legislative capacities, any of them, to endeavor to get around this constitution, and embarrass the free exercise of the rights secured by the constitution to all persons whose slaves escape from them? None at all—none at all. Neither in the forum of conscience, nor before the face of the constitution can they justify that, in my opinion. Of course it is a matter for their own considerations. They, probably, in the turmoil of thought, without having stopped to consider of it, fell, as it seems to me, into a current of thought in which they imagined they found motive for their action; and they neglected to investigate fully the real question of the case—to consider their constitutional obligation, which, I am sure if they did consider, they would fulfil with alacrity. I therefore repeat, here is a ground of complaint against the North, well-founded, which ought to be remedied—which it is now in the power of the different departments of this government to remove—which calls for the enactment of a proper law, authorizing the judicatures of the several States of this government to do all that is necessary for the recapture of fugitive slaves, and the restoration of them to those who claim them. Wherever I go, and wherever I speak upon this subject—I speak here, and desire to speak to the people of the whole North—I say that the South has been injured in this respect. It has a right to complain. The North has been too careless upon what I think the constitution peremptorily and emphatically enjoins upon it as a duty.

Complaint is made again, sir, of the resolutions that emanate from the several State legislatures and are sent here to us, not only upon the subject of slavery in this District, but sometimes recommending Congress to consider the means of abolishing slavery in the States. I should be very sorry to be called upon to present any resolution not referable to any acknowledged power in Congress, and therefore should be very unwilling to receive from Massachusetts instructions to present resolutions expressing any opinion whatever upon slavery as it exists at the present moment in the States, for two reasons. In the first place, I do not consider that the legislature of Massachusetts has anything to do with it; and, in the next place, I do not consider that I, here, as her representative, have anything to do with it. And if the legislatures of the States do not like it, they have a great deal more power to put it down than I have to uphold it. It has become, in my opinion, quite too common a practice for State legislatures to present resolutions upon all subjects, and instructing us here upon all subjects. There is no public man that needs instruction more than I do, or needs information more than I do, or desires it more than I do; but I do not like to have it come in too imperative a shape. I noticed with pleasure some remarks made the other day, in the senate of Massachusetts, by a young man of talent, standing, and character, for whom the best hopes are entertained, upon this subject—I mean Mr. Hilliard. He told the senate of Massachusetts that he would vote for no instructions whatever to be forwarded to

members of Congress, nor for any resolutions whatever expressive of the sense of Massachusetts as to what her members of Congress ought to do. He said he saw no propriety in one set of public servants giving instruction and reading a lecture to another set of public servants—that to their own master all of them must stand or fall, and that master is their constituents. I wish these sentiments could become more common—greatly more common.

I have never entered into the question, and never shall, about the binding force of instructions. I will say simply this: that if there be any interest pending in either of these bodies, where I am a member, and Massachusetts has in that question any particular interest of her own, not adverse to the general interest of the country, I shall pursue her instructions with gladness of heart, and with all the efficiency that I can bring to it. But if the question be one that affects her interests, and at the same time affects the interests of the people of all the other states, I should feel myself no more bound to regard her particular wishes and instructions than if I were chosen a referee or an arbitrator, to decide upon a question of important private rights, I should feel myself bound to regard the instructions of the man that appointed me. If there ever was a government on earth, it is this government—if there ever was a body upon earth, it is this body, which should consider itself as composed by an agreement of all; appointed by some, but organized by general consent of all: sitting here under obligation of oath and conscience to do that which they consider as best for the good of the whole.

Then, sir, there are those abolition societies, of which I am very unwilling to speak, but in regard to which I have very fixed notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing that is good or valuable. At the same time I know that thousands of them are very honest and good men, perfectly well-meaning. They have excited feelings. They think they must do something for the cause of liberty, and in their sphere of action they do not see what else they can do, but to contribute to an abolition press or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of those societies; but I am not blind to the consequences; I cannot but see what mischief their interference with the South has accomplished. Is it not plain to every man? Let any gentleman who doubts all this recur to the debates in the Virginia house of delegates in 1832. See with what freedom the proposition made by Mr. Randolph for the gradual abolition of slavery was discussed in that house of delegates. Everybody spoke of slavery as they thought; and very ignominious and disreputable names and epithets were applied to it freely. The debates of the house of delegates were all published. They were read by every colored man who could read; and if there was not a colored man who could read, they were read by white men to colored men who could not read. At that time, Virginia was not unwilling or afraid to discuss this whole question, and to let that particular part of her population know as much of it as they could learn. That was in 1832.

As has been said by the honorable member from South Carolina, these abolition societies commenced their course of action in 1835. It is said—with what truth I know not—that they sent incendiary publications into the slave states. At any event, they attempted to arouse, and did arouse a very strong feeling—in other words, created a great sensation in the North against slavery. What was the result? The bands of slavery were bound tighter. The rivets were more strongly fastened. Public opinion in Virginia, just then opening to the free discussion of this question, drew back and shut itself up in its castle. I wish to know now whether anybody in Virginia can talk as Mr. Randolph and Gov. McDowell talked in Virginia? They talked openly, and sent their remarks to the press in 1832, we all know; and we all know the cause. Everything that the agitating people have done has been not to enlarge, but to restrain; not to set free, but to bind faster the slave population of the South. That is my judgment.

As I have said, I know many of them in my own neighborhood are very honest and good people—misled, as I think, by a strange enthusiasm; but wishing to do something, they feel called upon to contribute, and they do contribute. It is my firm opinion this day, that within the last twenty years as much money has been collected and paid to abolition societies, abolition presses, and abolition lecturers, as would purchase the freedom of every slave—man, woman, and child—in the state of Maryland, and send them all to Liberia: I have no doubt of it. I have not learned that the benevolence of these abolition societies has at any time taken that particular turn.

Again, sir, the violence of the press is complained of. The press is violent everywhere. There are outrages—reproaches in the North against the South, and reproaches in not much better taste in the South against the North. The extremists of both parties of the country are violent. They mistake loud and violent talk for eloquence and for reason. They think he who talks loudest reasons the best. We must expect that where the press is free, as it is here, and always will be—for, with all its licentious-

ness, and all its evils, an entire and absolute freedom of the press is essential for the preservation of the government on the basis of a free constitution—wherever that exists there will be foolish paragraphs and violent paragraphs in the press, as there are, I am sorry to say, foolish speeches and violent speeches in the houses of Congress. In short, sir, I must say that, in my opinion, the vernacular tongue of the country has become greatly vitiated, depraved, and corrupted by the style of the Congress debates. [Laughter.] And if it were possible for our debates in Congress to vitiate the principles of the people as much as they have depraved their tastes, I should cry out, God save the Republic! Well, sir, in all this I see no solid grievance within the redress of government—produced by the South—but the single one to which I have referred—the want of a proper regard for the injunctions of the constitution about the restoration of fugitive slaves.

Now, sir, there are complaints of the North against the South. I need not go over them particularly. The first and the gravest is—considering that the North entered into the constitution recognizing the existence of slavery in the states, and recognizing the right, to a certain extent, of the representation of slaves in Congress, under a state of sentiment and expectation which does not now exist—that the North, by events, by circumstances, by the eagerness of the South to acquire territory and to extend a slave population, finds itself, in regard to the respective influence of the South and North, of the free states and slave states, where it never did expect to find itself when they entered into the constitution. They complain, therefore, that instead of being regarded as an evil, as it was then—an evil which all hoped would go out gradually—it is now regarded by the South and cherished as an institution to be preserved and extended, and is an institution which the South has extended to the utmost of its power, by the acquisition of new territory.

Then, sir, passing from that, everybody in the North reads—everybody reads whatever the newspapers contain; and the newspapers, some of them, and especially those presses to which I have alluded, are careful to spread among the people every reproachful sentiment uttered by any Southern man, high or low, against the North. Everything that is calculated to exasperate—everything that is calculated to alienate—and there are many such things, as everybody will admit, in the South, or some portions of it—is spread abroad among a reading people. And they do exasperate—they do alienate—they do produce a mischievous effect upon the public mind of the North. I would not notice things of this sort, appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly.

The honorable Senator from Louisiana [Mr. Downs] addressed us here the other day upon this subject. I suppose there is not a more amiable or worthy gentleman in this chamber. I suppose there is not a gentleman more slow to give offence to anybody. He did not mean in his remarks to give offence to anybody. What did he say? He undertook to run a contrast between the slaves of the South and the laboring people of the North, giving the preference in all points—in condition, comfort and happiness—to the slaves of the South. I repeat, sir, that he did not suppose he was giving any offence or doing any injustice. He was expressing his opinions. But does he know how a remark of that sort will be received by the laboring people of the North? Who are the laboring people of the North? They are the North. They are the people who cultivate their farms with their own hands—freeholders—educated men—independent men; and let me say, sir, that five-sixths of the whole property of the North is in the hands of the laborers of the North. They cultivate their farms; they educate their children; they provide means of independence. If they are not freeholders, they earn wages. Wages accumulate, and are turned into capital. New freeholders and new small capitalists are created. That is the condition of things at the North. And what can these people think, when so respectable and worthy a gentleman as the member from Louisiana undertakes to prove that the absolute ignorance and abject slavery of the South are more in conformity with the high purposes of immortal, rational human beings than the educated and independent condition of free laborers of the North!

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed. So far as they have their foundation in matters of opinion, in sentiments, in mutual crimination and recrimination, all we can do is to endeavor to allay them—to endeavor to cultivate a better feeling and more fraternal sentiment between the South and the North.

Mr. President, I should much prefer to have heard from every member upon this floor declarations of opinion that this Union could never be dissolved, than the declaration of opinions that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word secession, when it falls from the lips of those who are eminent, patriotic, known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle.

The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is foolish enough—I beg everybody's pardon—who is foolish enough to expect to see any such thing? Sir, he who sees these States, now revolving in harmony around one common centre, and expects to see them quit their places, and fly off, without convulsions, may look out the next day to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without producing a crush of the universe. Such a thing as peaceable secession! It is utterly impossible. Is this constitution under which we live here, covering this whole country, to be thawed and melted away by secession, as the snows on the mountains are melted under the influence of a vernal sun, to disappear almost unobserved, and to die off! No, sir; no, sir.

I will not state what might produce the disruption of these states. I see it as plainly as I see the sun in heaven; and should it happen, it must produce such a war as I will not describe, in its two-fold character. Peaceable secession! Peaceable secession! A concurrent agreement of all the members of this great republic to separate! A voluntary separation, with alimony on the one side or the other!—What would be the result? Where is the line to be drawn? What states are to be associated? What is to remain America? What am I to be? Where is the flag to remain? Where is the eagle still to tower? or is he to cower, and shrink, and fall to the ground? Why sir, our ancestors, our fathers and grandfathers, those of them who still remain amongst us, by reason of prolonged life, would rebuke us and reproach us, and our children and grandchildren would cry out shame upon us, if we of this generation should bring dishonor upon those ensigns of the honor and power and harmony of the Union, which we see around us now, with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty states to defend itself? Nay, although the idea has been suggested distinctly, that there is to be a Southern confederacy—I do not mean when I allude to this, that any body contemplates it here or elsewhere; I only mean to say that I have heard it suggested—I am sure that the idea cannot be entertained, even in the dream of the wildest imagination. But if any separation is looked to, it must be one including the slave states, on the one side, and the free states on the other.

Sir, I may express myself too strongly; but some things—some moral things—are almost as impossible as natural and physical things; and I hold the idea that a separation of those states into those which are free to form one government, and those which are slaveholding to form another government, is a moral impossibility. We could not separate them by any such line if we were to try. We could not sit down here and draw a line of separation that would suit any five men in the country. There are natural causes which bind together and keep us together; so that we could not break them if we would, and I hope that we would not break them if we could.

Looking over the face of this country at the present moment, nobody can see where its population exists, where its population is most growing, without being compelled to admit that ere long America will be in the valley of the Mississippi. Now, I beg to know what the wildest enthusiast has to say upon the possibility of cutting off half of that river, leaving the free states at its sources and amongst its branches, and slave states down near its mouth. Remember, sir, remember—let me say to the people of this country—that there, in the Northwest, is to be the storehouse of the population of America. There are already five millions of freemen in the free states north of the river Ohio. Does any body suppose that this population can be severed by a line that divides them from a foreign and alien government, down somewhere—the Lord knows where—on the lower branches of the Mississippi? What will become of the Missouri? Shall she join with the slave state *arrondissement*? Shall the man from the Yellow Stone be connected in the new Republic with the man who lives on the southern extremity of Florida? I am ashamed to pursue this line of remark. I dislike it. I have an utter disgust for it. I had rather hear of natural blasts and mildews, of war, pestilence and famine, than to hear gentlemen talk of secession, of breaking up this great government, of dismembering this great country. It would be to astonish Europe with an act of folly such as Europe for two centuries has never beheld in any country. No, sir; gentlemen are not serious when they talk of secession and dissolution.

I hear that there is to be a Convention at Nashville. I am one who believes that if those worthy gentlemen meet at all at Nashville in Convention, their object will be to adopt counsels of moderation—to advise the South to forbearance and moderation, and to advise the North to principles of forbearance and moderation, inculcating principles of brotherly love and affection, and attachment in every part of our common country. I believe, if they meet at all, they will meet for such purposes; for, certainly, sir, if they meet for any purposes hostile to this Union, they have been singularly unfortunate and inappropriate in their selection of a place of meeting. I remember that when the treaty was concluded between France and England, at the

peace of Amiens, a stern old Englishman, an orator who disapproved of the terms of that peace, as dishonorable to England, said, in the House of Commons, that if King William could know the terms of that treaty, he would turn in his coffin. Let me commend that saying in all its emphasis, and all its force, if anybody should think of meeting at Nashville, for the purpose of concerting measures for the overthrow of the Union of these States, over the bones of Andrew Jackson!

Sir, I wish to make two remarks, and hasten to a conclusion. I wish to say, in regard to Texas, that, if it should be hereafter, at any time, the pleasure of the government of Texas to cede to the United States a portion, larger or smaller, which lies adjoining to New Mexico, and north of the 34th degree of north latitude, for a fair equivalent in money, for the payment of her debts, I think it an object well worthy the consideration of this body. I concur in it myself; and if I should be in the public counsels of the nation at that time, it would give me great pleasure to aid in the consummation of such an arrangement.

I have one other remark to make. In my observations upon slavery, as it has existed in the country, or as it now exists, I have expressed no opinion of the mode of its extinction or amelioration. I will say, however,—though I have nothing to propose on that subject, because I do not feel myself so competent as gentlemen who are themselves more intimately connected with slavery—that if any gentleman from the South shall propose a scheme of colonization, to be carried on by this government upon a large scale, for the transportation of the free colored people to any colony, or to any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago by a great man, a Senator from New York, I would propose to return to Virginia, and to the South through her, all the moneys received from the sale of the territory ceded by her to this government, for any such purpose—to deal beneficially in any way with the free colored people of the Southern States. There have been received into the treasury of the United States, eighty millions of dollars, the proceeds of the public lands ceded by Virginia, which have been already sold; and if the residue shall be sold at the same rate, the whole will amount to more than two hundred millions of dollars. Now, if Virginia and the South see fit to make any proposition to relieve themselves from the burden of their free colored population, they have my free consent that this government should pay them, out of these proceeds, any sum of money adequate to that end.

Now, Mr. President, I draw these observations to a close. I have spoken freely; I meant to do so. I have not sought to make any display—to enliven the occasion by any animated discussion. I have sought only to speak my sentiments freely and at large—being desirous, once and for all, to let the Senate know, to let the country know, the opinions and sentiments which I entertain upon these subjects. These opinions are not likely to be suddenly changed.

If there be any future services which I can render to the country, consistently with these opinions and sentiments, I shall cheerfully render them. If there be none, I shall still be glad to have had the opportunity to disburden my conscience, and from the bottom of my heart to make known every political sentiment upon this subject.

And now, Mr. President, instead of speaking of the possibility or utility of secession—instead of dwelling in these caverns of darkness—instead of groping with these ideas, so full of all that is horrid and horrible—let us come out into the light of day, and cherish those hopes that belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action—let us raise our conceptions to the magnitude and the importance of the duties that are devolved upon us; let our comprehension be as broad as the country for which we act, and our aspirations as high as its certain destiny. Never did there devolve on any generation of men higher trusts than are now devolved on us for the preservation of this constitution, and the harmony and happiness of all that live under it. It is a great, popular, constitutional government, guarded by legislation, law, and judicature, defended by the holy affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a government, popular in its form, representative in its character, founded on principles of equality, calculated to last, we hope, forever. In all its history it has been beneficent. It has trodden down no man's liberty; it has crushed no State; it has been in all its influences benevolent and beneficent—promotive of the general prosperity, the general glory, and the general renown. And at last it has received a vast addition of territory. It was large before; it was now become vastly larger. This republic now stands with a vast breadth across the whole continent. The two great seas of the world wash the one and the other shore. We may realise the description of the ornamental edging on the buckler of Achilles:—

"Now the broad shield complete, the artist crown'd
With his last hand, and pour'd the ocean round;
In living silver seem'd the waves to roll,
And beat the buckler verge, and bound the whole."

Mr. CALHOUN—Mr. President, I rise to correct what I conceive to be the error of the distinguished Senator from Massachusetts, as to the motives which induced the admission of Florida, Louisiana, and Texas. I have heard with regret the statement that it was the desire of the Southern people to get an extension of territory, with the view of cultivating cotton with more success than they would in a crowded settlement. Now I think the history of this acquisition will not sustain such a view. It is well known that the acquisition of Florida was the result of an Indian war. The Seminole Indians crossed over land and took one of our fortresses. The troops were ordered out, but were driven back. Then, under the command of General Jackson, Pensacola was taken. It was these acts, and not the desire for more territory, that caused the acquisition of Florida. I admit, however, that it had been for a long time the desire on the part of the South, and of the administration, I believe, to acquire Florida; but it was very different from the reason assigned by the Senator. There were collected together in that territory four tribes of Indians—the Creek, the Choctaw, the Chickasaw, and the Cherokee—about thirty thousand warriors, who held connection, almost the whole of them, with the Spanish authorities in Florida and had their trade principally with them. It is well known that a most pernicious influence was at work there; and it was in the desire of preventing any conflict between these Indians and ourselves and Spain, that may be found the motive which induced the desire to acquire Florida.

I come now to Louisiana. You well know that the immediate cause of that acquisition was the suspension of our right of deposit at New Orleans. Under the treaty with Spain, we had the right of navigation of the river as far as New Orleans, and to make deposits there. The Spanish authorities interrupted that right. This brought on great agitation in the West, and I maintain, throughout the whole of the United States. Some gentlemen then, in opposition to a highly respectable party, if I mistake not, took the lead in the desire of resorting to arms to acquire that territory. Mr. JEFFERSON, more prudent, desired it should come in by purchase. The purchase was made to remove that difficulty, and to give to the West an outlet to the ocean. That was the immediate cause of the admission of Louisiana.

Now, sir, I come to Texas. Perhaps no gentleman had more to do with the acquisition of Texas than myself; and I aver that I would have been among the very last individuals in the United States to have made any movement, at that time, towards the acquisition of Texas; and I go further and say, if I know myself, I was incapable of acquiring any territory simply on the ground that it was to be slave territory. No, sir; a very different motive actuated me. I knew at a very early period that the British government had given encouragement to the abolitionists who were represented in the World's Convention. The question of abolition was agitated in that Convention; and one gentleman stated that Mr. Adams informed him that, if the British Government chose to abolish slavery in the United States, they must commence at Texas. A committee from the World's Convention was sent to the Secretary of State. It so happened, that this very gentleman was present when the intercourse took place between Lord Aberdeen and that committee, and he gave him a full account of it shortly after that occurrence, stating that Lord Aberdeen fell into the project to give encouragement to the abolitionists. It is well known that Lord Aberdeen was a pretty correct, and, in my opinion, a very honest man. Mr. Pakenham was sent here to negotiate relative to Oregon—and incidentally about Texas. He was ordered to read his declaration to this government, stating that the British Government was negotiating relative to putting an end to slavery all over the world, and in Texas especially. It was well known, further, that at the very time France and England had negotiated with America to effect that purpose, and our government was thrown out by a—[The remainder of the sentence was inaudible to the reporter.] The object of that was to induce Mexico to recognize the independence of Texas upon the ground that she had abolished slavery. Now, all these are matters of fact.

Well, sir, where is the man so blind as not to see that if the project of Great Britain had been successful, the whole State of Louisiana, Arkansas, and the adjacent States, would have been open to the inroads of the British emissaries.

Sir, as far as I was concerned I never did, and never would run into the folly of re-annexation, which I always held to be unconstitutional and absurd; nor would I put it upon what I might have put it—upon commercial and manufacturing considerations, because these were not my motives principally. And I choose to say what was my motive. So far as commerce and manufactures were concerned, I would not have moved at that time.

Now, the senator objects to many Northern men throwing the weight of their influ-

ence to support the measure of annexation. Well, it was perfectly right that they should be desirous of fulfilling the obligations the constitution imposes. What man, at that time, doubted but that the compromise of 36 degrees 30 minutes was constitutional? That territory would have fallen, any how, to the south. All the reasonable men at the North agreed to the extension of that line, so that part of Texas might fall within it. The course was, in my opinion, eminently right and patriotic.

Now, Mr. President, having made these corrections, I must go back a little further, and make a statement which I think the honorable senator has left very defective, in reference to the ordinance of 1787. He stated very correctly that it commenced with the old confederation; that it was afterwards confirmed by Congress; that Congress was sitting in New York at the time, and while the convention was sitting in Philadelphia. Now, I have not looked at that ordinance very recently, but my memory will serve me thus far: Jefferson introduced a proposition to exclude slavery in 1784. There was a vote upon it, and I think upon that vote every southern state voted for it. I am not certain upon this point; therefore, I will not venture my memory upon it. But one thing I will venture further; that it was three years before that ordinance was passed. It never passed until 1787; and it was then only passed, I have good reason to believe, on the principle of compromise, as the ordinance contained a provision similar to the one in the constitution about fugitive slaves, that it should be inserted in the constitution; and this was the compromise upon which that provision was made to commence in 1787. We supposed that in that we had an indemnity. In that, too, we made a great mistake; for what possible advantage do we derive from this stipulation in the ordinance or in the constitution? Broken faith has deprived us of our due share in the Northwest Territory, by an entire exclusion of slavery.

This was the leading question which destroyed the equilibrium. And then followed the Missouri compromise, which was carried mainly by Northern votes, although now disavowed and not respected by the North. That was the next step which caused the equilibrium to be broken and destroyed.

Now, sir, having made these remarks, let me say that I took great pleasure in listening to the honorable senator from Massachusetts. He put himself upon the fulfilment of the contract in regard to the admission of these four states, stipulated for in the resolutions of annexation. His position was manly and statesmanlike, and calculated to produce a better state of feeling between the different portions of the Union. He went further; he has condemned—rightfully condemned, (and in that he has shown great firmness)—the course of the North relative to the stipulations in the constitution concerning fugitive slaves. But permit me to say—for I desire to be candid upon all subjects—that the senator, I think, as well as many of the friends on the other side, put confidence in a bill which has been reported, to extend the laws of Congress in relation to the recapture of slaves further, and to make them more penal. It will prove fallacious. It is impossible to make any law of Congress on the subject operative, unless the people of the states shall feel themselves bound to coöperate.

I heard the gentleman also say he would not vote for the Wilmot Proviso—that he believed that nature had already excluded slavery from the new territories. Now, as far as new acquisition is concerned, I am disposed to leave the question to nature herself. That is what I always insisted upon. Let that portion of our country which has more naturally a non-slaveholding population be occupied and governed by them, and the other portions by us, destroying the artificial line, although that is, perhaps, better than none. Mr. Jefferson spoke like a prophet upon the Missouri compromise. Indeed, I am willing to leave it to nature to settle and organize these territories. Organize them upon the principle of the gentleman, and give us free scope, and a sufficient time to get in—we ask nothing but that, and we never will ask it. When the gentleman says he is willing to leave it to nature, I understand that he is willing to remove all impediments now put in our way, deterring our people from going there—I mean the consummate folly of citing the Mexican law prohibiting slavery in New Mexico and California.

No man would feel more happy than myself to believe that our Union, founded by our ancestors, could live forever. Looking back, through the course of forty years I have spent here, I have the consolation to believe, that I have never done one act in which I have not done full justice to all sections; and if I am ever exposed to the imputation of a contrary motive, it will be because I have been ready to defend my section against unconstitutional laws,

But I cannot agree with the declaration of the senator, that this Union cannot be dissolved. Am I to understand that no degree of oppression, that no outrage, that no broken faith, can prevent the destruction of this Union? Why, sir, if that becomes a fixed fact, it will be the great instrument of introducing oppression and broken faith. No, sir; the Union can be broken. Great moral causes will do it, if you go on; and it can only be preserved by justice, faith, and rigid adherence to the constitution.

Mr. WEBSTER—I have listened to the honorable member, but the crowded state of

the room has prevented me from hearing all his remarks. I have only one or two observations to make; and, to begin, I take notice of the honorable senator's last remark, and ask him if I held that this Union could not be broken? I wish to be distinctly understood on that subject. I hold that the breaking up of this Union by any such thing as voluntary secession of state is impossible. I know that the Union can be broken, as other governments have been; and I admit that there may be such a degree of oppression by one part, being the majority, upon the minority, as will warrant resistance and forcible severance. That is revolution. On that ultimate right of revolution I have not been speaking. I know that law or necessity does exist. I forbear from going further, because I do not wish to run into discussion upon the nature of this government. The honorable member and myself have broken lances sufficiently often heretofore—

Mr. CALHOUN (in his seat)—I do not desire it now.

Mr. WEBSTER—I presume the honorable senator does not desire to do it now. I have quite as little desire as he.

The honorable gentleman states the issues on which the old acquisitions of territory were made on the south side of the Union. Why, undoubtedly, wise, skilful public men, having an object to accomplish, took advantage of occasions. Indian wars were the occasions. A fear of the occupation of Texas was an occasion. And when the occasion came under the pressure of which, or under justification of which, the thing could be done, it was done—done skilfully.

Let me say one thing further—and that is, if slavery were abolished, as it has been supposed to have been done throughout all Mexico, before the revolution in Texas and the establishment of the Texan government, then, if it were desirable to take possession of Texas by purchase, as a means of preventing its becoming a British possession, I suppose that object could have been secured by making it free, as well as by making it slave territory of the United States.

Sir, in my great desire not to prolong this debate, I have omitted what I intended to say upon the particular question, under the motion of the honorable member from Missouri (Mr. Benton), proposing an amendment to the resolution of the honorable senator from Illinois, (Mr. Douglass) and that is, upon the propriety and expediency of admitting California, under all the circumstance, just as she is. The more general subjects are now before the Senate, under the resolutions of the honorable senator from Kentucky, (Mr. Clay.) I must say I feel greatly obliged to that member for introducing this subject, and for the lucid speech which he has made, and which is so much read throughout the whole country. I feel obligations to the honorable member from Tennessee (Mr. Bell) for the light which he has shed upon this subject; and in many respects it will be seen that I do not differ much from the leading propositions submitted by either of them. Now, when the subject of the admission of California on the direct question shall be brought before the Senate, I propose—not before other gentlemen shall have addressed the Senate, who have a desire to do so—to say something upon the boundaries of California, upon the constitution of California, and upon the expediency, under all the circumstances, of admitting her into the Union under that constitution.

Mr. CALHOUN.—One word I omitted to state in my explanation. Notwithstanding the vast addition of Texas referred to by the senator from Massachusetts, it is a fact that all this addition to our territory made it by no means equal to that from which the Northern States had excluded us before that acquisition. The territory lying west, between the Missouri and the Rocky Mountains, is three-quarters of all Louisiana, and that which lies between Missouri and Ohio, added to it, makes a much greater extent of territory than Florida, Texas, and the portion of Louisiana which has fallen to our share.

Mr. WALKER moved that the further consideration of the subject be postponed until to-morrow.

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[SPEECH

3915
OF

HON. WILLARD P. HALL, OF MISSOURI,

ON

THE ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, MARCH 5, 1850.]

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1850.



THE SLAVE QUESTION.

The House being in Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. HALL said:

Mr. CHAIRMAN: If I were to consult my individual interests, it is probable that I would avoid all discussion of the bill now before the committee. But I would poorly discharge the duties of an American Representative, if personal considerations should induce me to withhold the full and free expression of my opinions with regard to any question of great public importance. I have, therefore, obtained the floor for the purpose of presenting my views with reference to the admission of California into the Union as a State. Before doing this, however, I feel it due to myself to notice a single remark made by the gentleman from Illinois, [Mr. BISELL,] in the speech with which he favored us the other day. On that occasion, he thought proper, much to my regret, to introduce Missouri politics into this arena. He went out of his way to applaud the course of one of our Senators during the last summer, and thereby indirectly censured myself and a portion of my colleagues. The honorable member from Illinois is much mistaken in supposing that our complaint against the Senator alluded to, was his charging a portion of the South with favoring disunion. Far from it. We believed, and we still believe, that the Senator's arguments in favor of the constitutionality of the proposition to restrict slavery to its present limits—his declaration that "Congress governs the territory as it pleases, and in a manner incompatible with the Constitution"—his efforts to gain popularity for the Wilmot proviso, by asserting that Jefferson was its author—and his attempts to induce our people to sanction it, by saying that it was unwise for them to oppose it—were calculated, if not intended, to give encouragement to that faction which was so eloquently denounced by the gentleman from Massachusetts, a few days since, and thus to endanger the Union, which we were all so anxious to preserve and perpetuate. Perhaps my friend from Illinois was not aware of these facts. Perhaps, too, he was not aware of this other fact, that the much-applauded Senator was, only a few months ago, opposed to the admission of California as a State. Yet I feel authorized to say, that such was the case. A short time since, I received a letter from one of the most respectable men in Missouri, in which he states:

"I remarked to Colonel BENTON, while in Liberty last summer, that I thought the people of California (I do not

recollect of including New Mexico, but probably did) would form a constitution and State government, and apply for admission into the Union as a State. He replied, promptly, 'I am opposed to it, sir. There is too much of a conglomerated mass there, and it is not the old regular way of doing things.'"

This conduct, on the part of that Senator, together with his virtual denial of the right of the Legislature of each State to instruct its Senators in Congress, forced a large portion of the people of Missouri to abandon him. If any change has recently taken place in his opinions, upon the subjects referred to, I believe that it has been produced by the operation of selfish considerations; and if aught of evil grows out of the condition of things in our State, he will be justly chargeable with having, for the purpose of gratifying his malignant passions, ruined the very men—the Democracy of Missouri—who have made him all that he is. With this notice of the speech of the gentleman from Illinois, I dismiss that subject, and proceed to the examination of the California question.

Mr. Chairman, it has been frequently asserted by gentlemen of this House, during the present session of Congress, that the admission of California into the Union, with her present constitution, would be equivalent to the passage of the Wilmot proviso. As I intend to vote for the admission of California, I feel called upon to notice the charge which has thus been made. On what ground does that charge rest? Why, sir, we are told that the constitution of California prohibits slavery within her limits; that the Wilmot proviso proposes the same thing; and that, therefore, any act of Congress recognizing the one, is just as objectionable as the adoption of the other. From this, to me, novel doctrine, I, as a southern man, and the Representative of a slaveholding constituency, must beg leave to dissent.

The passage of the Wilmot proviso would be an act on the part of Congress of gross injustice, as I conceive, to one half of the States of this Union, tyrannical in its operation upon those immediately to be affected by it, and of doubtful constitutionality. By admitting California into the Union as a State we would perpetrate no such wrong. We would not violate the Constitution. We would only exercise an expressly delegated power. We would not oppress the people of California. We would only give effect to their praiseworthy ambition, by elevating them to the proud station of a member of this great and growing Confederacy. Nor would we, in my opinion, act unjustly towards the South. We would only recognize the right of the people of California to

determine for themselves the question of domestic slavery—a right that is claimed by, and guaranteed to, every State in the Union, by the Constitution under which we live.

Mr. Chairman, a great revolution seems to have been effected in the minds of certain gentlemen, upon the slavery question, within the last few months. Until very recently, I had understood the southern ground to be, that "the right to prohibit slavery in any territory, belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State." Such is the very language of a resolution adopted by the Legislature of Missouri at its last session. Some of the citizens of our State assailed the resolution with much bitterness, as being too ultra southern. One of our Senators went so far as to express himself thus with regard to it: "Farewell compromise! farewell concession! farewell Congress! farewell Missouri! farewell Constitution of the United States, and of all the States!" I believe, however, that the people of Missouri generally approved the resolution. I advocated it; and for advocating it, I was denounced by certain individuals as a disunionist and a nullifier. And now, when I announce my determination to carry that resolution into effect, by voting for the admission of California, I am told, from another quarter, that I favor "the *Executive proviso*." Well, sir, all I have to say upon that subject is this: That, as I was not driven from my principles last summer, by assaults at home, so I will not be driven from my principles now, by assaults here.

It will not be denied, Mr. Chairman, that the people of Missouri can, at any moment, abolish slavery within their limits. Now will it be seriously contended, that the abolition of slavery in Missouri, by the people of that State, would be as objectionable to the South, as an attempt on the part of Congress to do the same thing? And if not, why not? For this plain, substantial and all-sufficient reason. Under our Government, it is the province of each State to regulate its own domestic affairs, and any attempt, on the part of Congress, to interfere with that right, would be a violation of the compact entered into when this Union was formed. It is for a similar reason, that while the passage of the Wilmot proviso would be justly offensive to the slaveholding States, the admission of California into the Union can give rise to no well-founded complaints in any quarter. But, it is said, that we cannot properly admit California, because Congress has not authorized the people to form a State government. It appears to me, that this objection has no solid foundation on which to rest. The Constitution declares that "new States may be admitted by the Congress, into this Union." This is all the power we possess over the subject; we can admit States, not create them. We cannot form a State constitution. We cannot establish a State government. These things can only be done by the people. And any attempt to do them by any other power, would be an usurpation, wholly without constitutional authority. Have, then, the people of California established a State government? Have they adopted a State constitution? They have. Their work is now before us—their constitution is now on our tables; and the question submitted is, shall we admit them into the

Union? The Constitution says, we may admit them, for it says we may admit new States. But gentlemen say, that we cannot admit them, because we have not declared in advance that we would admit them upon their application. Now, sir, I understand that all our powers are derived from the Constitution of the United States, and not from an act of Congress. We possess those powers, and those alone which the Constitution confers, and they can neither be enlarged nor diminished, by an ordinary act of legislation. Suppose that the last Congress had declared that no more States should ever be admitted into the Union, or that every State should be admitted upon its application, no matter what might be its population or its boundaries; would such a declaration have been obligatory upon us? Most assuredly not. And why? Because, each Congress has the right to pass all such laws, and to exercise all such powers, as the Constitution authorizes. Any other doctrine would make every new Congress the mere agent—the mere servant of those which preceded it, and impair, if not utterly destroy, the usefulness of this Government.

But precedents have been appealed to. We are told that the precedents are all against the admission of California. Let us examine some of these precedents, and see what they are.

On the 11th day of July, 1795, the Legislature of the then Territory of Tennessee, passed "An act providing for the enumeration of the inhabitants of the territory of the United States of America, south of the river Ohio," by which it was enacted, "that if, upon taking the enumeration of the people in the said territory, as by that directed, it shall appear that there are 60,000 'inhabitants' therein, counting the whole of the 'free persons, including those bound to service for a term of years, and excluding Indians not taxed, adding three-fifths of all other persons, the Governor be authorized and requested, to recommend to the people of the respective counties, to elect five persons from each county, to represent them in convention, to meet at Knoxville, at such time as he shall judge proper, for the purpose of forming a constitution, or permanent form of government." The census of the territory of Tennessee having been taken, as directed, and there appearing to be 60,000 free inhabitants therein, Governor Blount, in accordance with the request of the act which I have recited, issued his proclamation on the 28th day of November, 1795, from which I desire to read a brief extract. After certain recitals, he says:

"Now I, the said William Blount, Governor, &c., do recommend to the people of the respective counties, to elect five persons for each county, on the 18th and 19th days of December next, to represent them in a convention, to meet at Knoxville, on the 11th day of January next, for the purpose of forming a constitution, or permanent form of government. And to the end, that a perfect uniformity in the election of the members of the convention may take place in the respective counties, I, the said William Blount, Governor, &c., do further recommend to the sheriffs, or their deputies, respectively, to open, and hold, polls of election for members of convention, on the 18th and 19th days of December, as aforesaid, in the same manner as polls of election have heretofore been held, for members of the General Assembly, and" [now listen] "that all free males, twenty-one years of age, and upward, be considered as entitled to vote by ballot for five persons, for members of convention."

At the time this proclamation was issued, the provisions of the ordinance of 1787, relative to the right of suffrage, was in force in the Territory of

Tennessee. That ordinance provided, "that a freehold in fifty acres of land in the district, and having been a citizen of one of the States, and being a resident in the district, or the like freehold, and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative." Yet, in the face of this provision, Governor Blount advised the right of suffrage to be exercised by "all free males, twenty-one years of age and upward," whether freeholders or non-freeholders, citizens or aliens, white or black, residents or strangers. The people of Tennessee adopted the Governor's recommendation, formed a constitution, and applied for admission into the Union as a State. And how was their application received? Was it rejected? Were they remanded back to a territorial condition, as has been recently asserted? No, sir! no. They were not so remanded, but they were admitted into the Union, in conformity with their request. On the 8th day of April, 1796, President Washington transmitted to Congress a copy of the constitution of Tennessee, and certain papers accompanying the same. On the 12th of the same month, Mr. Dearborn, from a committee of this House, reported a resolution, admitting Tennessee into the Union. A few days thereafter, the House passed the resolution. On the 5th day of May, 1796, Mr. King, of New York, made a report to the Senate of the United States, in which the opinion was expressed, "that the inhabitants of that part of the territory south of the Ohio, ceded by North Carolina," were not at that time, "entitled to be received as a new State into the Union." The Senate accordingly passed a bill, providing for the enumeration of the inhabitants of Tennessee, and their future admission into the Union. The House amended the Senate bill in its title and in substance, so as to make it a bill admitting Tennessee into the Union, with one Representative in Congress, until the general census then next ensuing. The Senate non-concurred in the House amendments. A committee of conference was appointed, who reported in favor of the House amendments. The report of the committee was adopted by both Houses of Congress, and on the 1st day of June, 1796, the bill was presented to the President: on the same day it received his signature, and thus it became the law of the land. Such are briefly the facts connected with the admission of Tennessee into the Union, as I gather them from the public records of the country, as contained in the American State Papers, Vol. XX., Miscellaneous, Vol. I, pages 146, 147, and 150, and in the Senate and House Journals, for the year 1796. This history shows, that neither the first and most illustrious of our Presidents, nor the Congress of 1796, believed an act of Congress necessary to authorize the people of a territory to form a State government. It may not be unworthy of remark, also, that General Jackson was a member of the convention which prepared the constitution of the State of Tennessee; and he, surely, would not have participated in the deliberations of that body, had he believed its proceedings to be contrary to law, and in violation of the Constitution of the United States.

Arkansas, Michigan, Florida, and Iowa, were also admitted into the Union, without any act of Congress being passed, authorizing the people of those States to form constitutions—at least, after

the most diligent search, I have been able to find no such law. But the case of Michigan deserves especial notice. One of the allegations most constantly introduced, and most zealously urged against the admission of California is, that her people were not an organized political community, by act of Congress, at the time they formed and adopted their constitution. Precisely the same difficulty existed in the case of Michigan. At the time the people of that State formed their constitution, and for some years previous, the Territory of Michigan embraced all the territory that is now included within the States of Michigan, Wisconsin, Iowa, and the Territory of Minnesota. Hence, the people who resided within the boundaries of the present State of Michigan, were not, at the time referred to, an organized political community, by virtue of any law of the United States. They were only a part of such a community. Under these circumstances, the Territorial Legislature of Michigan, not only without the consent of Congress, given for that purpose, but after such consent had been twice refused, passed an act, which was approved by the Governor of Michigan, January 26, 1835, authorizing a portion of the people of that territory to form a constitution and State government. At the time of the passage of this act, the right of suffrage within the Territory of Michigan, as fixed by Congress, was confined to free white male citizens of the United States, who had resided within the territory one year, and had paid a county, or territorial tax. Yet the Territorial Legislature, disregarding the laws of Congress, enacted, in the second section of the statute which I have recited, "that the free white male inhabitants of the said territory, above the age of twenty-one years, who shall reside therein three months immediately preceding Saturday, the fourth day of April next, in the year one thousand eight hundred and thirty-five, be, and they are hereby authorized to choose delegates, to form a constitution, &c." The people of a portion of the Territory of Michigan—the people, I reiterate, who were not a political community, under any act of Congress, then in force—approving the provisions of the territorial law, adopted a constitution, applied for admission into the Union, as a State, and were conditionally admitted on the 15th of June, 1836. They having, by a convention of delegates, elected for that purpose, given their assent to the conditions of the act of June 15th, 1836, were unconditionally admitted on the 26th of January, 1837, during the Administration of President Jackson. From this review of facts, it appears to me, that every objection urged against the admission of California, on the ground that her people were not an organized political community, and that the right of suffrage was not established by an act of Congress, applied with full force in the case of Michigan. Yet these objections were then overruled as captious and unsubstantial, and I trust that they will be so regarded now.

Mr. Chairman, in considering the question before us, we should bear in mind the recent history of California. We should remember, that the American citizens, resident there, had revolutionized all the country around the Bay of San Francisco, and north thereof, before we attempted to take possession of it. As soon, however, as our flag was run up in California, the people who

lived in that country, cheerfully recognized our authority, because they loved our Union, and the institutions under which they had been reared. About the time that the people of California commenced their revolution, war broke out between the United States and Mexico. Our operations were so active, during that war, that Mexico was unable to send any troops to California, while hostilities continued with us. Indeed, she made no effort to do so. A few months after Commodore Sloat had hoisted our flag at Monterey, the Mexican population of California attempted to retake the country. As soon as this revolt was known, five hundred of our emigrants hastened to suppress it. They marched several hundred miles in California, driving all opposition before them; and, but for some unfortunate delays, they would have reduced the enemy, before Kearney and Stockton had been able to strike a blow. The bare statement of these facts—facts within the knowledge, doubtless, of every gentleman here present—must satisfy all that, but for our interference, California would, at this time, have been an independent State. It is true, that if we had not acquired California, Mexico might have attempted to reconquer it; but, when we reflect upon the zeal with which our citizens would have rushed to the relief of their brethren in California, and upon the multitudes which the recent discoveries in that country have drawn to it, we can scarcely believe that the efforts of Mexico would have been successful for a single moment. I therefore reassert that, but for our interference, California would, at this time, have been an independent State, owning, in fee, all the public domain within her limits, including her exhaustless mines of gold. But for the purpose of promoting our own interests, we chose to interfere. We therefore occupied a country, which our citizens had, without our aid, already conquered. As soon as our Government took possession of California, military contributions were levied upon her people, and military rule was established over them. While war lasted, these evils were borne, as temporary in their character, and as necessary incidents to a state of hostilities. It was hoped, that when peace was established, military rule and exaction would both cease. This hope was disappointed. Military rule and military exactions still continued the portion of California; and yet, her people still acquiesced; and still they hoped for relief. The action of the last Congress, however, but too clearly announced to them that they must expect no aid from us, under the present state of excitement, relative to the question of slavery. We not only failed to give them a territorial organization, but we extended our revenue laws over them in this way, subjecting them to the burdens, while we denied them the benefits of government. Thus situated, the people of California thought it to be their duty to take care of themselves—to protect their lives, and to secure their property. They accordingly met in convention, established a government, and feeling themselves able to support a State organization, they have applied for admission into the Union. And for this they have been denounced. These denunciations sound strangely in my ears.

Have gentlemen forgotten the course of events in Oregon? In 1845, the people of that territory established a government and adopted a constitu-

tion. For some years they lived under the laws enacted by themselves. We heard no charges of usurpation against the people of Oregon for their conduct. Every one seemed to acquiesce in the propriety of their action. The late President of the United States, in one of his official communications to Congress, alluded to the course of the people of Oregon, in the strongest terms of commendation; and Congress, in the 17th section of the act organizing the Oregon Territory, endorsed the action of the people thereof, in the fullest and most emphatic manner, by declaring, "that all suits, processes, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts established by authority of the provisional government of Oregon, within the limits of the said territory, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined, in the district courts hereby established, which may include the counties or districts, where any such proceeding may be pending. All bonds, recognizances and obligations of every kind whatsoever, valid under the existing laws within the limits of said territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits, may be prosecuted, tried and punished in the courts established by this act, in like manner as they would have been under the laws in force within the limits composing said territory, at the time this act shall go into operation." It may not be improper to remark, that this section, which so fully sanctions the action of the people of Oregon in establishing a government, without the previous assent of Congress, was not objected to by a single gentleman in this or the other end of the Capitol. And yet we are told that the people of California for doing that which was so highly applauded in the people of Oregon, have been guilty of a most unpardonable usurpation! It is true that the people of Oregon did not apply for admission into the Union as a State. The reason is obvious. Their population was so small, and their means were so scanty, that they were not able to sustain a government. Hence they asked us for assistance, and petitioned us for a territorial organization. The situation of California is far different. The people of that country are numerous and wealthy; they are able to sustain a State government; they therefore ask us for no pecuniary aid; they demand no appropriation out of our treasury to enable them to administer their local government. All they request is that they may be permitted to govern themselves at their own expense. Now, surely, sir, if the people of Oregon were justifiable in establishing a government and adopting a constitution, without the authority of Congress, the people of California must be justified for doing the same thing, unless it can be made appear, that the superior numbers and wealth of the latter, deprive them of the rights and privileges that were for years exercised by the former.

Still, it is said, that we should remand California to a territorial condition, condemn the entire course of her people in forming a government, and sternly reject their application for admission into the Union as a State. It may be well for us to consider the wisdom and policy of such a proceeding on our part. Time will not permit me to

examine this subject at length. I must content myself by calling the attention of the committee to remarks of certain greatly-distinguished gentlemen of the South, upon a very similar question, which was mooted here some years since. Mr. Pinckney, of South Carolina, in his able speech on the Missouri question, used this language:

"If you refuse to admit Missouri without the prohibition, and she refuses it, and proceeds to form a constitution for herself, and then applies for admission, what will you do? Will you compel them by force? By whom or by what force can this be effected? Will the States in the neighborhood join in the crusade? Will they, who to a man think Missouri is right and you are wrong, arm in such a cause? Can you send a force from the eastward of the Delaware? The very distance forbids it, and distance is a powerful auxiliary to a country attacked. If, in the days of James the Second, English soldiers, under military discipline, when ordered to march against their countrymen, contending in the cause of liberty, disobeyed the order and laid down their arms, do you think our free brethren on the Mississippi will not do the same thing? Yes, sir! they will refuse, and you will at last be obliged to retreat from this measure, and in a manner that will not add much to the dignity of your Government."—*National Intelligencer*, June 26, 1820.

The language of Mr. Pinckney, a little changed, applies with full force to the case before us. I leave it to gentlemen to make the change for themselves, and beg them to ponder and reflect upon the views of that eminent southern statesman and patriot.

Mr. Nathaniel Macon, of North Carolina, than whom this country has produced no better man, and the soundness of whose judgment, and the genuineness of whose republicanism, are now proverbial, thus expressed himself with reference to "the Missouri controversy:"

"All governments, no matter what their form, want more power and more authority, and all the governed want less government. Great Britain lost the United States by attempting to govern too much, and to introduce new principles of governing. The United States would not submit to the attempt, and earnestly endeavored to persuade Great Britain to abandon it, but in vain. The United States would not yield; and the result is known to the world. The battle is not to the strong, nor the race to the swift. What reason have we to expect that we can persuade Missouri to yield to our opinion that did not apply as strongly to Great Britain? They are, as near akin to us, as we were to Great Britain. They are 'flesh of our flesh and bone of our bone,' * * * every free nation has had some principle in their government, to which more importance was attached than any other. The English were not to be taxed without their consent given in Parliament: the American is to form their own State government, so that it be not inconsistent with that of the United States. * * * It would have been very gratifying to me to have been informed by some of the gentlemen who support the amendment, what is intended to be done, if it be adopted, and the people of Missouri will not yield, but go on and form a State government, (having the requisite number agreeably to the ordinance,) as Tennessee did, and then apply for admission into the Union. Will she be admitted as Tennessee was, on an equal footing with the original States, or will the application be rejected, as the British Government did the petitions of the old Congress? If you do not admit her, and she will not return to the territorial government, will you declare her people rebels, as Great Britain did us, and order them to be conquered for contending for the same rights that every State in the Union now enjoys? Will you for this, order the father to march against the son, and brother against brother? God forbid! * * * If you should declare them rebels, and conquer them, would that attach them to the Union? No one can expect this. * * * If the United States are to make conquests, do not let the first begin at home. Nothing is to be got by American conquering American. Nor ought we to forget, that we are not legislating for ourselves, and that the American character is not yielding when rights are concerned."—*National Intelligencer*, February 12, 1820.

The extract I have just read, is full of wisdom. It appeals to the North not to trespass upon the rights of the South—it appeals to the South not to trespass upon the rights of California—it ap-

peals to the majority not to trespass upon the rights of the minority; but to practice liberality and justice, and thus to gather the affections of all around the Union—giving strength to our Government, and perpetuity to our institutions.

But I go further. I not only say that the people of California have acted properly, and that we may properly admit them into the Union, but that it is our duty so to admit them. Nothing, it seems to me, would be more repugnant to the spirit of the Constitution, than an attempt to retain the people of the territories forever in a state of territorial vassalage. Suppose that the original thirteen States had steadily refused to admit any other States into the Union, and had thus sought to keep the people who inhabit the mighty Valley of the Mississippi, in a territorial condition forever: would such a course have been in accordance with the genius of our Government? Would it have been American to exclude the millions who live in the new States, from all participation in the affairs of this Government, while they are subjected to a full share of its burdens? Would it have been exactly republican to retain Ohio, and Indiana, and Illinois, and Kentucky, and Tennessee, and the other great States of the West, down to the present time, as mere colonies of the original parties to the Constitution? No one will venture to answer these inquiries affirmatively. If, then, the character of our institutions requires that an end should be put to the territorial condition of our people, when is the period at which the state of dependence should cease? It is the very moment when the citizens of the United States, living within convenient boundaries in any of our territories, are numerous enough to form a State, and are desirous of assuming that condition.

This subject was well and ably discussed on the proposition to authorize the people of Missouri to form a State government, some thirty years ago. The opponents of the "Missouri restriction" at that day, boldly proclaimed the very doctrines that I have here laid down. Mr. HOLMES, then a member of this House for the State of Massachusetts, said:

"New States may be admitted, and no difference is authorized. The authority is to admit or not, but not to prescribe conditions. What would be a fair construction of this? Surely not that Congress might hold a territory in a colonial condition as long as they choose, nor that they might admit a new State with less political rights than another, but that the admission should be as soon as the people needed, and were capable of supporting a State government."—*National Intelligencer*, Feb. 19, 1820.

Mr. J. BARBOUR, at that time a Senator in Congress from the State of Virginia, said:

"What, then, is your power? Simply whether you will admit or refuse. This is the limit of your power. And even this power is subject to control, whenever a territory is sufficiently large, and its population sufficiently numerous: your discretion ceases, and the obligation becomes imperative that you forthwith admit; for I hold that, according to the spirit of the Constitution, the people thus circumstanced are entitled to the privilege of self-government."—*National Intelligencer*, March 18, 1820.

Mr. PHILIP P. BARBOUR, late one of the judges of the Supreme Court of the United States, and in 1820 a member of the House of Representatives from Virginia, said:

"The first which I shall examine, because it has been most relied on, is in these words: 'New States may be admitted into this Union.' Now, say gentlemen, this provision is permissive, not imperative—that as Congress may, so they may not, admit; and as they may not admit, therefore, they may in their discretion impose their own terms.

On my part it is contended, that the power of Congress is limited to the simple alternative of admitting, or not admitting—that even this power is subject to the modification, that *they have not the moral right to refuse admission to a territory whose situation and circumstances suit it for admission.*—*National Intelligencer*, April 13, 1820.

Mr. HARDIN, of Kentucky, said:

"Under the head of preliminary facts, and positions, let us inquire, Mr. Chairman, what are the claims of the people and Territory of Missouri, to be admitted into the Union as a member of this great political family. Her territory is not unusually large. The dimensions of the proposed State are not greater—do not contain more square miles—than the States of Ohio, Indiana, and Illinois. Her population is admitted by all to be upward of 60,000. No State, which has been admitted into this Union since the adoption of the Constitution, had, at the time of its admission, a greater population; several of them had scarcely half the number. The Constitution, when it says, 'new States may be admitted by the Congress, into the Union,' is silent upon the subject of numbers or boundary; but leaves that subject to the sound discretion of Congress. *The manner in which that discretion has been exercised, has been so uniform and invariable, that it amounts to a law.* It is, Mr. Chairman, a PROCLAMATION TO THE INHABITANTS OF ALL THE TERRITORIES, THAT WHENEVER THEIR NUMBERS APPROACH TO FIFTY OR SIXTY THOUSAND, THEY SHALL BE AT LIBERTY TO BURST FROM AMONG THEM THE BONDS AND CHAINS OF TERRITORIAL SERVITUDE, AND VASSALAGE, AND ASSUME AND EXERCISE THE RIGHTS OF SELF-GOVERNMENT—THE INALIENABLE RIGHTS OF MANKIND."

"But, Mr. Chairman, independent of the practice of this Government, in admitting other States into the Union, I say, upon principle, if Missouri were the first candidate that ever offered and asked for admission, we would be bound to do one of two things—either to receive her as a sister State, or permit her to set up an independent government for herself. Who, in this House, is prepared to deny and disclaim the principles upon which the American Revolution commenced, and, in contending for which, we established our independence? * * * The principle we contended for was this, that we, from our intelligence and population, were competent for all the purposes of self-government; and that it was the inalienable birthright of all men, to be bound by no laws, unless they participated in their enactment; and that any law made by the King and Parliament of Great Britain, in which we had no voice—no representation—was not only not obligatory upon us, but absolutely, as it respected us, null and void. On the other side of the ocean it was contended, that the laws enacted by the Imperial Parliament and their Majesty, were binding upon us in all cases whatsoever. The above was the point at issue between the parties. Our right to a seat upon this floor, our being assembled here this day, proclaims the glorious result of the contest. But, then, in those good times, Mr. Chairman, it was the feeling and interest of the American people to contend, and spill the best blood of the land, for first principles. Now, I am sorry to say, that one portion of these United States find it their interest, to combat those very principles for which a number of their fathers gloriously perished."—*National Intelligencer*, March 9, 1820.

The language of the Virginia Legislature was even more explicit than any that I have yet quoted. In a report, adopted by that body on the first day of February, 1820, are found the following bold and emphatic declarations, to which I ask the especial attention of the committee:

"In the first place," (says the report,) "it is denied that Congress has the right to continue the dependence of the territory, at pleasure—to perpetuate its minority and their regency. And this is denied without any reference to compact or treaty. It is true, the Constitution gives a power to dispose of, and make all needful rules and regulations, for the government of its territories; but powers may be restrained, in the same manner that they may be enlarged, by implication; and if there be an irresistible implication, limiting any grant of power, it is believed that this grant is so limited. It can never be believed, that an association of free and independent States, formed for the purposes of general defence, of establishing justice, and of securing the blessings of liberty to themselves and their posterity, ever contemplated the acquisition of territory for the purpose of establishing, and perpetuating for others and their posterity that colonial bondage against which they themselves had so lately revolted. The provision, for the admission of new States into the Union, is a clear indication of the destiny

intended for the acquired territories. It being foreseen, however, that circumstances might occur to control this destination, or that experience might prove it unsafe or unwise, a discretion was given to refuse or admit the new States—there being embraced in the power to dispose of the territories, the means of entitling them to independence. The territories of the United States are rightfully held in pupillage, as long as their infancy unfits them for self-government, or admission into the Union, but unjustly detained in bondage, whenever their maturity arrives. *At that period they have a right to demand admittance into the political family as equals, or the enjoyment of liberty as independent States. Power may enslave them longer, but the laws of nature and of justice—the genius of our political institutions, and our own example—proclaim their title to break their bonds and assert their freedom.*—Laws of Virginia, 1819–20.

What the Legislature of Virginia meant by the people of a territory arriving at maturity, is not a matter of conjecture. The report from which I have just read, was upon, and in favor of, the proposition to authorize the people of Missouri to form a State constitution. The Legislature, therefore, considered the territory of Missouri as having arrived at maturity. But Missouri at that time contained only about sixty thousand inhabitants; and, as the present population of California much exceeds the population of Missouri in 1820, the people of California are, according to the old Virginia doctrine, entitled to admission into the Union, or to absolute independence. "Power," to repeat the language of the report, "may enslave them longer, but the laws of nature and of justice, the genius of our political institutions, and our own example, proclaim their title to break their bonds and assert their freedom." But it may be said that I over-estimate the number of people in California. In order to decide this question, let us appeal to facts. The report of one of the United States officers at San Francisco, states that the number of immigrants who arrived at that port by sea, between the first of April and the first of December last, was upward of twenty-nine thousand.* We know, from evidence that is as good as official, that about seven thousand emigrant wagons left the western part of Missouri, last Spring, for California, by the way of the South Pass. Many emigrants went the same route at that time, with pack-mules. If, however, we throw out of consideration the latter altogether, and allow four persons to each wagon, we have twenty-eight thousand as the number of those who emigrated to California last season by the northern

* Since this speech was delivered the following statement has been received:

The number of vessels arrived at the port of San Francisco, from the 12th April to the end of January last, is shown in the following statement from the records of the harbor-master's office:

<i>Amount of tonnage arrived since April 12, 1849, until date, January 29, 1850.</i>		
American.....		223,429
Foreign.....		55,609
Total.....		284,233
<i>Number of passengers arrived during the same period.</i>		
	<i>Female.</i>	<i>Male.</i>
American.....	919	29,840
Foreign.....	502	8,627
Total.....	1,421	38,467
<i>Number of ships that have arrived during that period.</i>		
American.....		487
Foreign.....		318
Total.....		805

The above is exclusive of United States ships and transports, and the mail steamers.

overland route. A large number of emigrants also went to California by the way of Santa Fe, Fort Smith in Arkansas, Texas, and Mexico. The number who went by all the routes last mentioned, has never been estimated at less than ten thousand. These data give sixty-seven thousand as the number of emigrants to California during eight months of last year, of whom three-fourths at least were American citizens. But many persons were in California before the first of April last, and many have gone there since the first of December last. Taking all these facts into consideration, I think it will be difficult for any one to believe, that there are not one hundred thousand people at this moment in the new State of California. But there is another mode of estimating the population of California. Her recent popular vote stood as follows: For the Constitution.....12,061
Against the Constitution.....811
Total.....12,872

For Governor.	Votes.
Peter H. Burnett.....	6,783
S. A. Sutter.....	2,201
Wm. M. Stewart.....	619
W. Scott Sherwood.....	3,220
John W. Geary.....	1,358
Scattering.....	32
Total.....	14,213

Now, it may be said with safety, that this vote is larger than that given by any of the new States at the time of its admission into the Union, except the State of Wisconsin. Louisiana was admitted into the Union on the 8th day of April, 1812. The first popular vote given in that State, of which I have been able to find full returns, was at the election for Governor, in 1820, which resulted as follows:

	Votes.
Thomas Bolling Robertson, received.....	1,903
Peter Derligny.....	1,187
Abner L. Duncan.....	1,031
J. N. Destrehan.....	627
Total.....	4,748

Niles's Register, December 23, 1820, Vol. 19, page 280.

Indiana was admitted into the Union on the 11th day of December, 1816. According to *Niles's Register*, Vol. 13, page 111, the whole number of votes given at the Congressional election in that State, in 1816, was six thousand seven hundred and eighty-nine.

Mississippi was admitted into the Union on the 10th day of December, 1817, and Illinois on the 3d of December, 1818.

The earliest vote given in either of those States, of which I have found any authentic account, was cast in 1822, and is thus reported in *Niles's Register*:

"*Illinois*.—Edward Coles is reelected Governor of, and Daniel P. Cook reelected the Representative from this State. Mr. Cook had 4,764 votes, and his opponent, John McLean, 3,311."—[*Niles's Register*, vol. 23, page 43.]

"*Mississippi*.—The vote lately taken for a Representative in Congress, stood thus: For Mr. Rankin, 4,811; for Mr. Poindexter, 3,654."—[*Niles's Register*, vol. 23, page 961.]

It is true, that the ratio for apportioning members of this House, was only 35,000 at the time the States I have mentioned were admitted into the Union, and that it is now 70,690. Yet, if we make a proper allowance for the increase of the vote in the States of Illinois and Mississippi, from the date of their admission, until the year 1822,

we will still find that the vote of California is as large, compared with the present ratio, as the vote of either Louisiana, Indiana, Mississippi, or Illinois was, at the period of their admission, compared with the ratio which then existed.

Let us now come to a later period: Arkansas and Michigan were admitted into the Union in 1836. At the Presidential election, in the autumn of that year, the popular vote in those States was as follows:

	ARKANSAS.	Total.
Van Buren.....	All others.....	
2,400.....	1,238.....	3,638
	MICHIGAN.	Total.
Van Buren.....	All others.....	
7,360.....	4,000.....	11,360

Since 1836, the ratio for a Representative in Congress has been increased about fifty per cent. while the vote of California is nearly four times as large as that of Arkansas was at the time of her admission, and is considerably larger than that of Michigan, although in the latter State foreigners were entitled to the right of suffrage.

But let us come to a still later period: Florida was admitted into the Union on the 3d day of March, 1845. The vote at one of her first Congressional elections stood thus: For Brokenbrough, 2,669; for Cabell, 2,632. Total, 5,301.

Iowa came into the Union in 1846. The vote at her first State election was:

For Governor.	Votes.
Ansel Briggs.....	6,689
Thomas McKnight.....	6,582
Total.....	13,271

(*Niles's Register*, vol. 71, page 296.)

At this election, it should be remembered, that Iowa elected two members of this House, Leffler and Hastings, both of whom were admitted to their seats. The ratio for apportioning Representatives in Congress, has not been changed since 1845, and yet, though California has polled more than twice as many votes as Florida did at her first State election, and a larger vote than Iowa did at her first State election, when she chose two members of this body, we are told that California has not a sufficient population for a State.

Mr. THOMPSON, of Mississippi. Will the gentleman inform us how many foreign votes were polled in California?

Mr. HALL. With pleasure. The constitution of California confines the right of suffrage to "white male citizens of the United States, and white male citizens of Mexico, who have elected to become citizens of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirteenth day of May, 1848, of the age of twenty-one years," &c. None but such persons were entitled to vote at the late election in California. What is the precise number of the latter class I do not know; but I can approximate pretty near to it. In the first place, McCulloch tells us in his *Geographical Dictionary*, that the white population of California, Mexican and foreign, in the year 1832, did not exceed five thousand. If we suppose that the Mexican population in California doubled themselves in the last eighteen years, and that the whole of them elected to become citizens under the treaty, we would have not more than sixteen hundred Mexican voters in that State. In the next place, in the year 1847, there was a revolt of the Mexican popu-

lation in California, against our authority, in which revolt, almost every arm-bearing Californian was engaged. The Californians estimated their force at about five hundred men—we estimated it at about seven hundred. If we suppose that only one half of the adult male Californians participated in the insurrection, this would give four hundred, as the greatest possible number of that class of voters now in the State of California. Finally, the representatives from California estimate the whole number of Mexican voters in that State, at about thirteen hundred. Now, if we suppose that all of these persons, whether thirteen hundred, fourteen hundred, or sixteen hundred, voted at the election in California, still we have a greater American voting-population in that State, than was polled by any new State at the time of its admission, except Iowa and Wisconsin, each of which chose two Representatives in Congress at its first State election.

“But no census has been taken of the population of California.” That is true. And I am not aware that an enumeration of the inhabitants of a State is necessary prior to her admission—at least I have not been able to find any clause in the Constitution, which points to such an enumeration as a prerequisite to the admission of a State. No census was taken of the population of Texas, I believe, when she came into the Union, and no census was taken of the population of Illinois at the time of her admission. Mr. Rufus King, of New York, did, indeed, object in the United States Senate to the admission of Missouri, on the ground that no proper enumeration of her inhabitants had been made. Mr. Smith, of South Carolina, replied to that objection, and here is a portion of what he said on that occasion:

“When Illinois was admitted, it was on the doubtful evidence of forty thousand of a population. He would read the memorial upon which that State was admitted, as far as respected the amount of population. It was as follows: ‘Within the boundaries of this territory, there are, in the opinion of your memorialists, not less than forty thousand souls.’

“This is all the evidence you had before you when you admitted Illinois. Did the western and southern members require a survey of this territory, or a census of the population, before they consented to the admission of that State? Did the honorable gentleman from New York ever think of such a thing, when he voted for the admission of Illinois? No, sir! not one member of the Senate ever dreamed of asking for a census, or survey. Such a thing was unprecedented, until Missouri came before you.”—*National Intelligencer*, March 25, 1820.

It is, however, objected, that the people of California are incapable of self-government. Who are the persons thus denounced—for the charge is a denunciation? Who are they? Why, sir, they are our own brothers and relations—our old neighbors and acquaintances. They have been reared up under our Government, and have been taught from childhood the principles of our institutions. Many of them are distinguished for their wisdom and learning—for their virtue and patriotism. Every gentleman under the sound of my voice can testify, that much of the very best part of our population has gone to California. Among the emigrants to that State, are ex-members of Congress, ex-governors of States, and ex-judges of our courts, as well as many of the most intelligent of the masses. And are they not capable of self-government? For one, I am willing to intrust them with that privilege. I wish to make them

free—free, sir, as your State and my State are free—free to enact their own local laws, to establish their own institutions, and to regulate their internal affairs, according to the dictates of their own judgment.

It is true that there are foreigners in California; but they are not permitted to interfere with the government—the right of suffrage being confined, as I have already said, to our own citizens, and those Mexicans who, according to treaty stipulations, are entitled to the privileges of citizens. The number of the latter, as has been shown, does not exceed a few hundred—so that California is as much under the control of our own people as Missouri, or any other State in the Union.

It is an easy matter to say that any people are unfit for self-government; but if we look to facts, we shall find nothing to warrant such a conclusion with regard to the population of California. For the last two years and more, they have been almost without a government; yet they have maintained a degree of order which, under all the circumstances, is truly astonishing. I think it might be said, without fear of contradiction, that there is no State in the Union which, under the same circumstances, would present a more gratifying spectacle of decorum than this very California, whose citizens have been so fiercely denounced in this discussion. Have gentlemen read the California constitution? It is a work of which any body of men might be justly proud. Its thorough republicanism, and the guaranties it contains of the rights of the people, will compare well—nay, sir, they will brightly contrast—with the constitutions of some of our States that stand high for intelligence.

But it is charged that the people of California are not permanently settled—that they are mere vagrants, adventurers, gold-hunters, without fixed habitations, and will, in a little while, return to their old homes. In order to sustain this sneering accusation, no proof has been adduced. That some of the people of California will return to their former places of residence, I am free to admit; but that a majority of them, or even that a large minority of them will so return, I do not believe. Cast your eyes over that country, and what will you see? Why, sir, you will see cities springing up as if by magic—farms opening and multiplying—multitudes engaged in almost every branch of useful industry—and commerce crowding all the avenues of trade. Upon inquiring into the condition of things, you will learn that a mechanic earns from sixteen to twenty-five dollars a day; that a common laborer’s wages are more than the per diem of a member of Congress; and that professional skill and well-directed enterprise are rewarded there as they are rewarded nowhere else. It is scarcely credible, that men so situated, will choose to remove to the older States, where the exertions that, in California, yield them thousands annually, will afford them little more than a bare livelihood. It is true that the extraordinary state of things which now prevails in California, will not be permanent. It must end sooner or later; but when it terminates, I do not believe that California will be deserted. Her pleasant valleys, her delightful climate, and her incalculable commercial advantages, will always retain within her borders a numerous, active, and thriving population.

Upon the application of new States for admission into the Union, we have never required proof that their population was permanent. Congress has always acted upon the presumption that the people living in a State, for the most part, intended to remain there; and this reasonable supposition has not heretofore been disappointed. It is only the hardest and most enterprising of our people who go to the new States—it is only such who have gone to California. And they are there to remain—to build up, along the Pacific, republican institutions, and to prove themselves, by the wisdom of their legislation, worthy citizens of this wide-spread, and wider-spreading, Union.

It is further charged, that the State government of California is not the voluntary work of the people, but has been established under Executive dictation. Fortunately, sir, we know the people of California. A little while ago, they were our constituents, and we know that Executive dictation would have as little effect upon them, as upon any other portion of our population. Beside this, there is not the slightest proof to support the charge of Executive dictation. The President did, indeed, dispatch a messenger to California, advising the people to form a State government, in which, I think, he did wrong. That messenger did not, however, reach California, until after General Riley's proclamation was issued. But, say gentlemen, General Riley states, in that very proclamation, that the President of the United States, and his Secretaries, advised the formation of a State government. I do not so understand the facts. The last paragraph of the proclamation is as follows:

"The method here indicated, viz., a *more perfect political organization*, is deemed the most direct and safe that can be adopted, and *one fully authorized by law*. It is the course advised by the President, and by the Secretaries of State and War, of the United States, and is calculated to avoid the innumerable evils which must necessarily result from any attempt at illegal local legislation."

What is here meant by "*a more perfect political organization*?" The explanation is to be found in the fourth paragraph of the proclamation, which is in these words:

"As Congress has failed to organize a new territorial government, it becomes our imperative duty to provide for the existing wants of the country. This, it is thought, may be best accomplished by putting in full rigor the administration of the laws as they now exist, and completing the organization of the civil government by the election and appointment of all officers recognized by law."

Here we are informed what is the meaning of "*a more perfect political organization*." It was "the election and appointment of all officers recognized" by the laws which General Riley supposed to exist in California, with a view of giving those laws full vigor, by securing their administration. The remainder of the paragraph strengthens this view. It is as follows:

"While, at the same time, a convention—in which all parts of the territory are represented—shall meet and frame a State constitution, or a territorial organization, to be submitted to the people for their ratification, and then proposed to Congress for its approval. Considerable time will necessarily elapse before any new government can be legitimately organized and put in operation; in the interim, the existing government, if its organization be completed, will be found sufficient for all our temporary wants."

General Riley here evidently regarded a State or territorial organization, by the people of California, as of no effect, and illegitimate, until sanctioned by Congress. He could not, therefore,

have intended such an organization by the phrase "a more perfect political organization," which he says was recommended by the President, and by the Secretaries of State and of War of the United States; for he distinctly asserts that the more perfect political organization alluded to by him was "one fully authorized by law"—by law which then existed, and not by law which was to be subsequently enacted. How, then, came General Riley to recommend to the people of California the formation of a State constitution? Although I have no certain information upon this subject, yet I think the evidence before us justifies me in expressing an opinion with regard to it. It appears that various movements had, from time to time, been set on foot in California, with a view of casting off the authority exercised by the chief of our military forces in that quarter, as head of the government *de facto*. These movements had been successfully suppressed by the American commandant. When the failure of the last Congress to establish a government over California was announced in that territory, the public mind was much excited, and public attention was again directed to the project of organizing a government by the people themselves. It can scarcely be doubted that this condition of things had its influence upon General Riley; and, operated upon by the citizens who surrounded him, he issued his proclamation, sanctioning, rather than suggesting, the propriety of a State organization. If I am right in this opinion, the recent movements in California were essentially popular. They originated with the people, and have been conducted by them to their present position.

Mr. Chairman, fault has been found with the boundaries of California. I confess that I would have been better pleased, had the summit of the Sierra Nevada been made the eastern boundary of the new State: yet I know from personal observation—from actual travel—that much, if not all, of that part of California this side of the Snowy Mountain is a miserable desert, upon which no one now lives, and upon which, in all probability, no one will ever live. It cannot, therefore, be a matter of much importance, whether that waste be included within California, or be attached to Desert. As to the enormous area of California, about which we have heard so much, I have this to say: Much of California is mountain, barren hill, and desert. The valleys alone are considered susceptible of cultivation at present; and after having been over the most of California, from San Diego to Johnson's Ranch, forty miles north of Sutter's, in the Sacramento valley, I have no hesitation in asserting, that the agricultural resources of Missouri are double those of the proposed State. Besides this, notwithstanding all the complaints about the great extent of California, it is less than half as large as Texas. Now, sir, I was an early, constant, and active advocate of the annexation of Texas, with her 325,520 square miles of territory, and I shall most assuredly not be inconsistent enough to oppose the admission of California at this time because she has an area of 158,000 square miles. Still, sir, as I am anxious to do all in my power to quiet the existing excitement, I will vote for an alteration of the boundaries of California, if gentlemen can thereby be induced to withdraw their opposition.

Mr. Chairman, for the reasons that I have

now given, I shall vote for the admission of California into the Union as a State. By so acting, I shall carry out, according to my apprehension, the doctrine of non-intervention—the doctrine in support of which the great Democratic party of this country were united a few months since—the doctrine which was boldly proclaimed by our distinguished standard-bearer in the late Presidential contest, and to whom for his recent eloquent vindication in the Senate of the United States of the principles he has heretofore avowed—for his magnanimous efforts to do justice to the whole nation, in opposition to the prejudices of a particular section, and above all, for his noble and patriotic endeavors to secure, preserve, and perpetuate the union of these States—I now tender him my thanks, and the thanks of my constituents. Will the gentlemen from the North unite with me on the ground of non-intervention? From those who style themselves Free-soilers, I ask nothing and I expect nothing; but from the majority of the northern Representatives, I think I have a right to look for aid. They say they desire peace and quiet to be restored to the country. They surely cannot be ignorant of what is passing around us. They cannot be blind to the fact, that the Union is agitated, and deeply agitated, by the attempts which have been made by Congress to restrict slavery to its present limits. Never before did so unfortunate a state of the public mind exist in the country, as at present. We have heard, day after day, discussions as to the advantages of a dissolution of the Union to a portion of its members; and how muchsoever we may deprecate such exhibitions, they manifest a condition of things most alarming to the friends of our Confederacy.

I am an Unionist in the most enlarged acceptance of the term; and when I reflect upon the progress we have made in all that constitutes true national greatness; upon the blessings which our institutions have so widely and so universally diffused among our population—upon the prosperity which is the portion alike of every section of this broad land—upon our advancement in all the comforts and refinements of life—upon our improvement in literature, in the arts and sciences—upon our unheard-of increase in numbers—upon our unexampled accumulation of strength at home, and upon the proud exaltation of our character abroad—I cannot believe that our people will ever, except under the pressure of the most untoward circumstances, desire any change, and least of all, such a change as disunion would bring them. For myself, I can say with conscious truth, that I have never attempted to calculate the value of this Union—to compute, in dollars and cents, the pecuniary advantages likely to accrue to me or to mine, by a disruption of the bonds which hold this Confederacy together, and thus to ascertain the amount of gain that would result to my State or to my section, by blotting out the name of my country from the list of nations, and by tearing to pieces and trampling in the dust, that flag which has led us on from triumph to triumph, until we have become the wonder and the admiration of the world. No, Mr. Chairman, no. Such pastimes have no attractions for me. I was born under the Union—I trust to die under the Union. Whenever, therefore, I see any movement calculated to endanger the stability of this Government, I cannot but feel the liveliest apprehension, and enter-

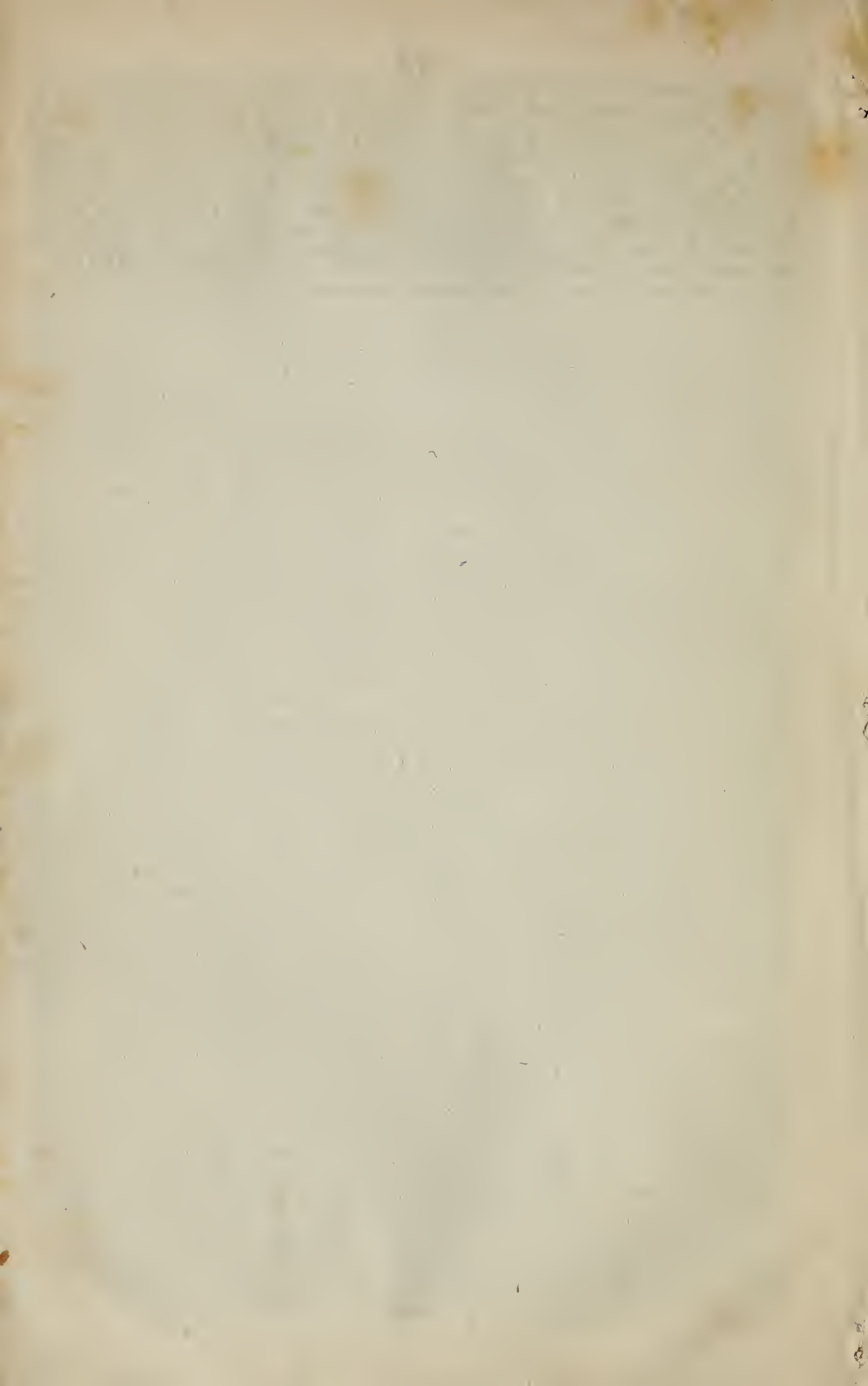
tain the deepest solicitude, for the welfare of our people. The proposition to ingraft the Wilmot proviso upon the bill establishing territorial governments, I believe to be such a movement. No constituency in the Union is more conservative upon the slavery question than the one which I have the honor to represent, yet they would regard the passage of the Wilmot proviso as a gross outrage upon their rights. If my section of the country feels so deeply upon this subject, is it to be wondered at, that the southern States feel much more deeply?

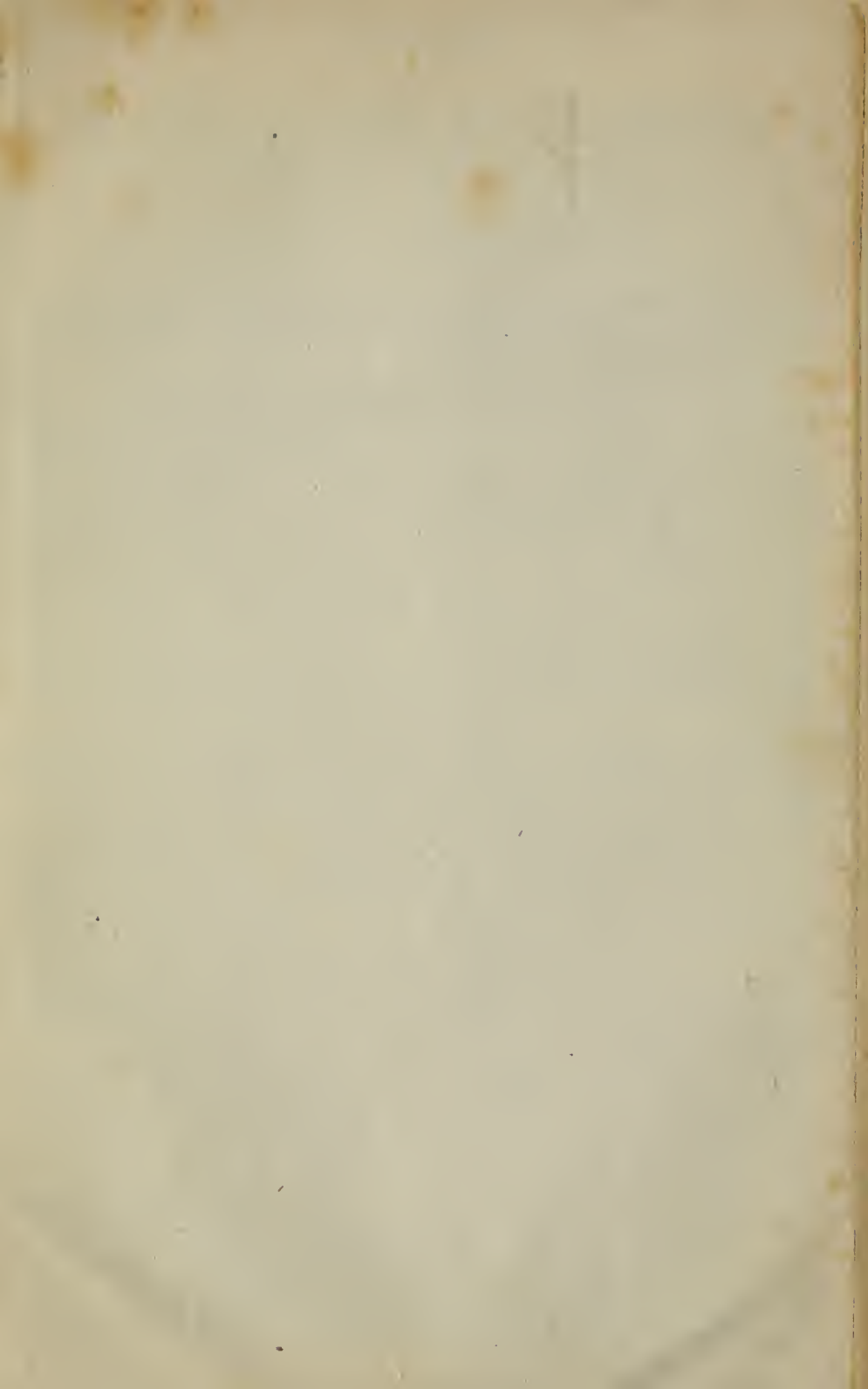
It is not to be disguised, that the discussions here, for the last few years, relative to the exclusion of slavery, by an act of Congress, from our recently-acquired territories, have aroused the passions of our people, and tended to alienate their affections from one another in an alarming degree. How much longer shall this evil be tolerated? How much further shall it progress? Shall it go on until the irritation becomes incurable? Shall it go on until section is arrayed against section, in all the bitterness of civil strife? Shall it go on until the arm of military power is brought in to hold together the distant parts of this Confederacy? It does appear to me, that if patriotism be not dead in this hall—that if our professed devotion to this Union be not an empty boast—that we will settle the differences which divide us, before the present session of Congress is permitted to close. We can settle them upon the principle of non-intervention. Let us admit California as a State, but let us also organize a territorial government for the residue of our Mexican territory, without the clause prohibiting slavery. Such an adjustment, I am aware, will not satisfy the extremists of any section; but if we wish to pacify the country, we must avoid all extremes; we must cultivate a spirit of concession and compromise in this and the other house of Congress. If we will but do this—if we will but banish from our midst that sectional and party-rancor, which, I fear, sometimes too much prevails among us—if we will but call up that spirit, which animated the good and great men who formed this wisest and best of governments—if we will but forget ourselves a little while, in the effort to serve our country—all will yet be well. That storm of sectional strife which now rages around us, will be quieted; the bright sunshine of brotherly love will again break in upon us, and the Union of these States will be but emblematical of that union of kind regard and sympathy, which should prevail among the citizens of this greatest of Republics.

Mr. Chairman, our constituents expect us to settle the questions which now so fiercely agitate the public mind. They are demanding their settlement at our hands. They are calling upon us in the name of our common country, in the name of our common hopes, in the name of all that is most glorious in the recollections of the past, and brightest in the anticipations of the future, to settle these questions that are so fraught with consequences the most fearful—so big with dangers the most alarming. If we heed this voice, we shall deserve the gratitude of the American people. If we heed it not, we shall merit their condemnation. Entertaining these sentiments, I have viewed with pain—nay, sir, with profound regret—the effort of the present Executive to keep the question of slavery in the Territories of New Mexico and

Deseret still open, and undetermined. I trust that a majority of this House will not adopt a policy so unfortunate—a policy which must keep up the present excitement—an excitement, which if not quieted, may lead us, God only knows where. If gentlemen from the North—for they must settle the question—cannot stand on the ground of non-intervention, let them bring forward their plan of adjustment. For one, I stand here ready, willing, nay, eager, to vote for almost any proposition

which gives a fair and reasonable promise of pacifying our people; and if, by any efforts of mine, I shall contribute in the smallest degree, to a satisfactory adjustment of our present difficulties, I shall believe that I have rendered the State some service. If all my efforts shall prove unavailing, to accomplish this end, I shall still have the consolation of knowing that I have endeavored to discharge my duty to my country, honestly and faithfully, in this, the darkest hour of her peril.







EDWARD STANLY, OF N. CAROLINA,

EXPOSING THE CAUSES OF THE SLAVERY AGITATION.

Delivered in the House of Representatives, March 6, 1850.

This hour rule, Mr. Chairman, compels us to economize time very closely, and consolidate ideas as much as possible. I will try and do so, that I may not write out any thing more than I shall say.

I wish to say a few plain things in a plain way. I wish to say a little for Buncombe—not only the western but the eastern Buncombe, which I represent; and, if honorable gentlemen are not desirous to hear this, I advise them to take themselves, on this rainy day, to a more comfortable place than this. I intend most of what I say for my constituents. I have not spoken before, because I thought when matters of such vast magnitude were involved, we ought to wait and hear what the people at home have to say of them. Now, I feel prepared not merely to express my own opinions, but those also of my honest constituents. I hope to say nothing offensive to any gentleman. Certainly, I have no such desire. I shall most carefully avoid to strike the first blow. If I am assailed, I must take care of myself in the best way I may. And now to come right at it.

I have heard a great deal said here, and read much recently, of "encroachment on the South—aggressions on the South;" and, though I know we have cause in some respects to complain of the conduct of a portion of our northern people, I cannot include the whole North in the just censure due to the conduct of the aggressors. I have attentively watched the debate here and in the Senate. I have looked at the party newspapers of the day, and I have been brought to the settled belief, yea conviction, that much of the hue and cry is caused by a malignant wish to embarrass the Administration, and to build up the party whom the people hurled from power in November, 1848. Many of the speeches here, relative to the admission of California, are marked by unkind allusion to the President, and sometimes improper and furious, though feeble, aspersions as to his motives.

It seemed to me that if gentlemen, from the South especially, believed our peculiar institutions were in danger, they would desire to produce harmony of feeling, to speak calmly as to brethren in the midst of a common danger; that they would try and produce united action. But instead of manifesting such a disposition, the Administration is ruthlessly assailed, and the Whig party fiercely denounced. For examples of these party speeches, I refer to that of the gentleman from Mississippi, (Mr. BROWN,) and of the gentleman from Maryland, (Mr. McLANE,) who on this matter made a party speech, and tried, as he did before the House was organized, to blow his boatswain's whistle and pipe all hands on his side to duty. There were other speeches of a like character. I want to show this agitation, this attempt to excite alarm, is now, as it was last summer in the southern States, for party purposes. I believe I can show it.

In 1837, when Mr. Van Buren was President, an abolition petition, presented by a gentleman from Vermont, I think, produced a great tumult here. A southern meeting was held in a committee-room down stairs. Patton's resolution, which rejected abolition petitions, was the fruit of that meeting. Presenting this petition was one of Mr. CALHOUN'S

"encroachments." Mr. Van Buren's friends found it necessary to sustain him, as a "northern man with southern principles," and then he made this abolition excitement the platform for his election to the Presidency. In vain did the Whigs at that time warn the southern country he would be a traitor; that his past life had shown he was unsound upon the question of slavery. No matter what should be the consequence to the South, his game was to be played. In 1835, when Mr. Woodbury was in Van Buren's cabinet, and was engaged in that interesting correspondence to his sub-treasurers, Mr. Atherton, of New Hampshire, who was called the prince of humbugs, introduced his wooden nutmeg, doughfaced, chivalry resolutions; a caucus was held in which southern Van Buren Democrats sat side by side *with the worst anti-slavery men*; from which secret caucus all the southern Whigs were excluded; and these resolutions, then denounced as Janus-faced and double-meaning, were the hybrid offspring of that caucus. These resolutions were to quiet agitation. I denounced them, and refused to vote for them, and I was sustained at home. They were also denounced, if I mistake not, by other southern gentlemen, as betraying the South.

[A late article in the *Republic*, in this city, exposes the Atherton caucus, by giving a true account of their origin.]

When General Harrison was nominated, he was denounced as an Abolitionist. Mr. Clay was an Abolitionist; and Mr. Van Buren's doughfaces were the friends and "allies of the South." I hope the race of doughfaces is extinct. They were a miserable set of beings,—mere puppets of Van Buren,—anti-slavery men at home, allies of the South here. Now and then, one is alive, mourning for the lost spoils, and editing a paper that tries to alarm the South by the old song, of 1838, "The Whigs are Abolitionists. Once we were told, there are no Democratic Abolitionists at the North. Now how changed! Even in the Senate, a member of that body (Mr. CLEMENS, of Alabama, a Democrat, on the 17th January, 1850) said:

"I said the people of the South had been heretofore laboring under the delusion that the northern Democrats were their friends. I said it was a delusion, and I was glad to have an opportunity of explaining it to them. *God deliver me from such friends as the northern Democrats! I would rather trust northern Whigs to-day.* They commenced the game earlier, and have not to go so far to get in a proper position. Look at the resolutions of Democratic legislatures and the messages of Democratic governors, and the resolutions adopted by Democratic conventions, and then tell me about northern Democrats being the friends of the South."

Mr. CALHOUN, too, thinks all the northern people are "more or less hostile to us." Sir, I will not admit that either of the great parties of the North, as such, are hostile to the South. Some members of each are hostile—are fanatical—but the great body of both parties at the North, I cannot believe, are traitors to the Constitution and the Union. And, sir, it affords me pleasure to say, that when I hear bold and manly speeches, such as those made by the gentlemen from Illinois (Mr. BISSELL) and from Indiana (Mr. FITCH,) I honor their intre-

pidity—I feel that the Union is safe. The time has passed I hope when I can be unjust to a patriot, because he differs with me in political opinions. My intercourse with members of the Democratic party in my own State Legislature removed many prejudices—my intercourse with gentlemen of that party here has proved that many of them are true to the Union; and upon such questions as those now under discussion here, I shall be proud to be allowed to tender them the right hand of fellowship, and to acknowledge them as worthy laborers in a common cause. But I speak not here of the dough-faces—the men who, for party purposes, agitate the country, that they may win the spoils of office. I had rather meet Abolitionists here than such men—if they can be called so.

No; I would say, with a slight alteration of one of Canning's verses:

"Give me the avowed, erect, and manly foe;
Open, I can meet, perhaps may turn his blow;
But of all the plagues, great Heaven, thy wrath
can send,
Save, oh save me from a *doughface* friend!"

But, sir, to pursue my argument. In proof of the charge I make, that there is a desire to produce agitation for party purposes, I beg attention to a short extract from the "*Union*" newspaper (Democratic) of this city. I call the attention of my honest Democratic colleagues to this. In the "*Union*" of February 14, 1850, I find the following:

"THE SOUTHERN WHIGS HAVE PROVED THEMSELVES TO BE THE WORST ENEMIES OF THE SOUTH AND OF SOUTHERN INSTITUTIONS. BUT THE PRESENT IS NO TIME FOR CRIMINATION AND RECRIMINATION. LET THE PATRIOTS OF ALL PARTIES," &c., &c.

"No time for crimination?" Then why deal in it? "Patriots of all parties!" But as the *north-ern* Whigs are caselessly denounced as Abolitionists, and the *southern* Whigs "*enemies of the South*," who are the "all parties?" Those, I suppose, who vote for the "regular nominees of the Democratic party!"

My Democratic colleagues, I know, cannot justify such conduct. I will not descend to crimination; but what an argument! If the whole North are hostile to the South, and if the southern Whigs are "the worst enemies of the South and southern institutions," what are to become of those southern States in which the Whigs have the majority?

Besides this extract, just quoted, there are others of like character—one of which was read to us yesterday, by the gentleman from Florida, (Mr. CABELL.)

In the *Union* of February 28, 1850, in the leading editorial article, we are told: "The alliance of northern Abolition-Federalists, and southern slaveholding Whigs, has attempted to prostrate the Democratic party of the North, who stood for half a century firmly by the compromises of the Constitution, which protected southern institutions, and it has succeeded in compelling the northern Democracy to modify its position in relation to the institutions and interests of the South."

No "time for crimination!" And the northern Democracy has "modified its position." How? By alliance with the Abolitionists? There are other charges of like character in this and other papers, which I have no time to read.

Sir, is this no proof of the design to agitate for party effect? It proves that now, as in 1833, it is, what my colleague from the Buncombe district called it, "a game." In his speech, in 1844, my colleague, (Mr. CLINGMAN,) as reported in the Appendix to the Congressional Globe, 25th Congress, 1st session, referred to the "fact that, although there was near eighty Democratic members from the free States in the House of Representatives, only thirteen, 'with all possible coaxing,' voted for the rule. How is it with the southern wing of the party? Its members make most

'vehement speeches in favor of the rule; declare that the Union will be dissolved if it is abolished; and charge as high treason all opposition to it. They are especially vehement in their denunciation of me, and desire to make the impression that its loss, if it should be rejected, is mainly to be attributed to my speech against it.'"

* * * * *

"The game which they have been playing off is seen through by everybody here, and it is getting to be understood in the country."

Just as the game which the Bobadils are playing off now is understood, and I adopt the language of my colleague in what follows: I think it was true of the party to whom it was applied then, in 1844, and especially true now, of those of the South who wish *disorder should reign*, and of the one-idea fanatical Wilmot proviso men of the North. Hear these words: "The game which they have been playing off is seen through by everybody here, and it is getting to be understood in the country. There was a time when gentlemen, by giving themselves airs and talking largely of southern rights in connexion with this subject, were able to give themselves consequence at home. But that day has passed. Its mock tragedy has degenerated into downright farce, and nobody will be humbugged much longer in this way. But the matter is important in one respect. Nothing could more fully show the utter profligacy of the party, its total want of all principle, than the course of its northern and southern wings on this question. They hope, however, by thus spreading their nets, to drag in votes in both sections of the Union, and thereby get into power."

Yes, sir, there's the true secret of this agitation: "get into power"—"to the victors belong the spoils"—adhere to Democratic nominations, even for doorkeeper, or the *Granite doughfaces* will let the Union be dissolved.

I concur in what my colleague said of this agitation in 1844, and especially in a note to his speech, in which he says, that "a certain prominent southern politician, seeing that his course had rendered him unpopular generally, seized upon this question to create excitement between the North and the South, and unite the South thereby into a political party, of which he expected to be the head. There are also individuals at the North, who, though professing opposition to the rule, are, in my opinion, really desirous of its continuance, as a means of producing agitation in that quarter. A portion of them entertain the hope that the excitement there may attain a sufficient height to enable them successfully to invade the institutions of the South; but the larger number are simply seeking to produce a strong prejudice in the popular mind in the free States against southern institutions and men, on which to base a political party strong enough to control the offices of the country."

Now, sir, I think a certain prominent southern politician is playing the same game, and the one-idea Wilmot proviso men are still trying to control the offices of the country. Some want to get to Congress, or to stay there, or to be placed at the head of some important committee, by voting for the "favorite candidate" of the party.

It was a "game" when my colleague referred to it; it is a "game" now. I fear my colleague does not remember this speech.

Mr. CLINGMAN said, yes.

Mr. STANLY. Well, sir, I will print the extract from the speech of 1844, and let it go to Buncombe with the late speech of my colleague.

Yes, sir, "the game" is still to be played, and now the "refusal to surrender fugitive slaves" is another northern aggression complained of. I admit the northern States have acted badly in this instance. Both parties have played the game too far, of trying to get abolition votes. I cannot see how

any man who has sworn to support the Constitution can refuse to pass any law that may be deemed necessary. The conduct of the northern States in this respect is admitted by some of their own citizens to be without excuse. No one condemns it more decidedly than I do, and I believe, from all I have heard, this abuse will be remedied.

But still, the noise made about this is part of the "game," part of the "party operations." One would suppose from speeches made here, that no slaves had escaped from the South until Cass's defeat.

But to the recent history of this. In 1833, shortly after the *ATHERTON* resolutions were passed, a worthy gentleman from Kentucky, then a member of this House, introduced a resolution I hold in my hand, which I will print—

"*Mr. CALHOON*, of Kentucky, moved that the rules in relation to the order of business be suspended, to enable him to move a resolution; which was read at the clerk's table, and is in the words following, viz:

"*Resolved*, That the Committee on the Judiciary be instructed to report a bill making it unlawful for any person to aid fugitive slaves in escaping from their owners, and providing for the punishment in the courts of the United States of all persons who may be guilty of such offence.

"And that they be further instructed to report a bill making it unlawful for any person in the non-slaveholding States of this Union to use any means to induce slaves from their owners, and providing for the punishment, in the courts of the United States, of all persons who may be found guilty of such offence.

"And on the question—Shall the rules be suspended for the purpose aforesaid?

"It passed in the negative—yeas 90, nays 107."

Among the nays were *Mr. ATHERTON* and fifty-four other northern "allies of the South."

Now, sir, it is not singular, that from that period down to the present, as far as my knowledge extends, no effort has been made, until General Taylor's election, to demand additional legislation upon this subject?

If any such effort has been made, I do not know it. Were there no fugitive slaves since 1833? Well, *Mr. Van Buren* was President three years after that, and no bill passed for fugitive slaves. In the twenty-fifth Congress, from 1837 to 1839, *Mr. Polk* was Speaker. From 1839 to 1841, twenty-sixth Congress, *Mr. Hunter*, of Virginia, was Speaker—Democratic majority here, and no bill for fugitive slaves!

Tyler was President from April, '41, to March, 1845. During the first year of *Tyler's* term, *Mr. White*, of Kentucky, was Speaker; and from 1843 to 1845, *Mr. Jones*, of Virginia, was Speaker, and a Democratic majority here, with a Virginia President, and no bill for reclaiming fugitive slaves!! Then, from March, 1845, to March, 1849, *Mr. Polk*, a southern President, and during two years *Mr. Davis*, of Indiana, Democratic Speaker, and still no bill for the reclamation of fugitive slaves!! Nothing said by Virginia members even, from 1833 till now!

Mr. VENABLE. Will my honorable colleague allow me to remind him that before the presidential canvass, at the first session of the last Congress, on the abduction of a number of slaves from this District, I raised that question and delivered a speech upon that subject?

Mr. STANLY. My colleague may have raised the question at that time, but there was no legislative action in this House on that subject; nor any attempt to procure any, that I know of. And my colleague raised the question, when there was great excitement here, on account of one act of outrage. He did not still try to procure action on the part of Congress to enable the southern people to recover their slaves.

Mr. BAYLY. Will the gentleman allow me to put him right on a matter of fact?

Mr. STANLY. If not out of my time.

Mr. BAYLY understood the gentleman to say that, from 1833, the time of *ATHERTON's* resolution, to this time, nothing has been said by Virginia members on the subject of the surrender of fugitive slaves.

Mr. STANLY. Nothing for the action of Congress.

Mr. BAYLY. Well, the subject was before the Legislature of Virginia in 1841 and 1842; and it was never brought before this House, because we came to the conclusion that the law of 1793 was as nearly perfect as it could be, and that it only required that it should be executed in good faith.

Mr. STANLY. Yes, sir, and you changed your opinion of that law as soon as General Taylor was elected President. And I would ask, why legislate further, if that law is sufficient? We cannot create "good faith" by act of Congress. I admit, *Mr. Chairman*, that Virginia is still a great and glorious Commonwealth. She has much to be proud of in the past history of this country. She needs no eulogy from me; and, though I must censure, and shall ridicule the conduct of some of her public men, I shall speak respectfully of the State. Many of my dearest friends and nearest relatives reside within her borders, and they have, I believe, done no discredit to her, in peace or in war. But, sir, the Old Dominion is too much in the habit of taking care of the affairs of the General Government, and the debates in her Legislature are not as important in the eyes of the country as they are to the Chairman of Ways and Means, (*Mr. BAYLY*.) And I should be glad to know why, if the representatives from Virginia thought the law of 1793 sufficient, did the gentleman from Virginia, (*Mr. MEADE*), introduce his resolution soon after General Taylor's election, proposing to instruct the Committee on the Judiciary to report a bill providing for the apprehension of fugitive slaves?

So I repeat, from 1833 to 1843, until December, 1848, when the gentleman from Virginia (*Mr. MEADE*) offered his resolution, all the southern Democracy, now crying out at this dreadful aggression, never moved a finger to procure any law relative to fugitive slaves! No, sir; they were "as mute as a mouse in a cheese." Yes, sir, as a first family Virginia mouse in an English cheese. The reason was, as my colleague (*Mr. VENABLE*) said in some poor verses quoted by him in his speech—

"The laurels were fairly portioned,
The spoils were fairly sold."

Mr. VENABLE. The "lands," I said.

Mr. STANLY. I accept the correction: it was printed "laurels," but my colleague is right; the southern Democracy, whatever of "spoils" they got, won no "laurels" during the last ten years with their northern allies.

No, sir, the truth is, Cass was a "used up man," *TAYLOR* was elected; the "spoils" were gone; the cohesive power was lost.

Truly, as Job said, "Doth the wild ass bray when he hath grass: or loweth the ox over his fodder?"

I have watched the progress of the debate in the Senate, and from the published speeches in the newspapers, I see a respectable Senator from Virginia (*Mr. MASON*) said he wanted the bill acted on "as soon as practicable," but had "little hope it would afford the remedy it is intended to afford;" "it depends upon the loyalty of the people to whom it is directed."

Another Senator (from South Carolina—*Mr. BUTLER*) said "he had no very great confidence that 'this bill will subserve the ends which seem to be contemplated by it.' Why then, I ask, so zealously urge the passage of it? One of these Senators (*Mr. MASON*) also intimated that it might become necessary, for the States whose citizens lost negroes, "to make reprisals on the citizens of the State of—

fending!" Now this, it seems to me, would be but a poor way of doing justice to our citizens. If one rogue in Ohio or Pennsylvania steals a negro, we are to take the wagon-horse of some honest old farmer, who lived hundreds of miles from the thief! Will not this produce civil war? Will it enable us to recover fugitive slaves?

Now, sir, I think I have proved that this new-born zeal for legislation to enable us to recover fugitive slaves is all owing to the defeat of General CASS.

Well, sir, among other reasons given why we should think of dissolution, is the fact that the southern States are annoyed by the "agitation of Abolitionists." The southern address says, I think, it commenced about the year 1835. It commenced, sir, before the year 1787. The Quakers have for more than a hundred years been opposed to slavery. In 1671, George Fox advocated emancipation. But the aggressive agitation consisted in sending abolition petitions. And I remember well, before the repeal of the "twenty-first rule," southern gentlemen said if that rule should be repealed, and these petitions received, the Union would be dissolved. My colleague (Mr. CLINGMAN) had the boldness to vote against the twenty-first rule. I commend him for it. But he was denounced by various southern gentlemen—by Mr. A. V. BROWN, afterwards governor of Tennessee; Mr. COBB, of Georgia, our Speaker; Mr. STILES, of Georgia, and by Mr. R. M. SAUNDERS, of North Carolina. Some extracts of their speeches are before me, and I will print them, to show them how much mistaken they were. Mr. BROWN, of Tennessee, was arguing against making the petitions "the subject of reference, report, and debate in this hall." "Our safety," said he, "depends upon it." He begged the "real friends" of the South, if they could not altogether exclude those petitions, not to refer them for debate, &c. And he added:

"The South will hold no man guiltless who shall go one inch beyond the right of petition. He must answer for every fire that may be kindled, and for every drop of blood that may be shed. Yes, sir, I will say to the gentlemen from New York and from North Carolina, (Mr. CLINGMAN,) if this House shall go one inch beyond that, they may have to stand answerable for the shattered and broken fragments of the Union itself."—[See Append. Cong. Globe, 25th Congress, 1st Session.]

Mr. COBB, of Georgia, after complimenting the northern Democracy for their devotion to the interests of the South, for their "sincere friendship," referred to the fact that some of the northern Democracy were abandoning the rule, on account of the opposition of some few southern members to it; and he said:

"Thus it is that the defection of our northern friends is attributable to our own divisions. Let the fact then be published to the country, that the responsibility of this measure may rest upon those who justly deserve it, upon whom an indignant and outraged people may place the seal of their condemnation. I trust, however, that no such division will be found to exist; no southern Democrat, I am sure, will abandon his post; and but few, if any, of the southern Whigs will be found following in the wake of the gentleman from North Carolina."—[Appen. Cong. Globe, 25th Cong., 1st Session.]

I have an extract before me from the speech of Mr. STILES, of Georgia, which I will print. Mr. STILES spoke under excitement, and very wildly.

Extract from the speech of Mr. STILES, of Georgia, House of Representatives, January 25 and 30, 1844, on the twenty-fifth rule relating to abolition petitions. In replying to the remarks of Mr. CLINGMAN—Appendix to Congressional Globe, 28th Congress, 1st session, page 262—he spoke of the Constitution as a citadel, a fortress; and this rule was "a barrier," and he said:

"Whilst that remains, the fortress stands; when it is gone, the fortress falls. That barrier can be removed only by some one within. The fortress can be taken, the citadel lost, *only by treachery in the camp*. I will pursue the simile no farther. But let me tell the member from North Carolina, that if this rule is lost from the relation in which he stands to, and the part which he has borne, in this transaction, he may go home to his constituents and to his grave covered with the unenviable immortality of having betrayed the interests of the South, in having surrendered the Constitution of his country."

Mr. SAUNDERS, of North Carolina, thought with others whose remarks I have just quoted:

Mr. R. M. SAUNDERS, arguing against the argument that to receive petitions would silence the "clamor about the right of petition," said: "They might as soon expect to extinguish the conflagration by adding fuel to the flames. I repeat, then, there is but one alternative—rejection without action, or reception and action. There is no middle ground can satisfy those who are resolved to press this matter, whatever its consequences."—[Appendix to Cong. Globe, 28th Cong., 1st Session—January, 1844, page 85.]

How much mistaken! Since the repeal of the rule, how seldom we see an abolition petition!

Mr. Saunders appeared to have been sincerely distressed. He appealed to the doughfaces in an extract before me:

"Mr. SAUNDERS said: I ask the gentlemen from Maine if there be any here, who have hitherto stood by us, why they should now give way? I turn to our friends from Connecticut, and ask them why they should yield? If I appeal in vain, I turn to those by whom I know the appeal will be answered—to patriotic New Hampshire, whose sons, like her granite basis, have hitherto breast-ed the storm; they, I know, will not give way. So I call upon our friends from the Keystone State not to surrender because a single soldier in the South has deserted us on this trying occasion."—[See Appendix Cong. Globe, 25th Congress, 1st session.]

How much mistaken, I say again, these gentlemen were! Mr. CLAY always argued—receive these petitions, and much of this clamor will cease. The result shows he was right. When I had the honor of being in Congress in 1839, while the twenty-first rule was in force, I do not think I exaggerate when I say, that during the period of three or four months, we had what were called abolition petitions presented here, signed by more than one hundred thousand men and women. Like the camomile flower, "the more it is trodden upon, the faster it grows," this right of petition when denied was most earnestly asserted. How stands the fact now? We have been here more than three months, and not one single abolition petition has been presented! Hence the Union will not be dissolved because of this aggression. This aggression has ceased. No, sir, there is no danger to this Union from any such cause. In this happy land, our people will occasionally be guilty of some extravagant conduct. We have a numerous population, who are not always employed.

What was said by one of England's great poets of her people, can with truth be said of ours—

"Whose only grievance is *excess* of ease,
Freedom their pain, and plenty their disease."

When they cannot war against the twenty-first rule, they will form peace societies. Noble motives prompt them in this. These agitators, comprising a small portion of our northern people, not only seek distinction by their noisy opposition to slavery, but they contend among other things for what they term "the rights of women." I do not know what are the rights they claim; whether they think wo-

men should vote, should come to Congress, &c.; but if they give to the New England women more rights than those our North Carolina women have, they will not have a republican government.

Some of these agitators do not believe any judge has a right to administer an oath. They do not acknowledge the authority of any magistrate. Such people deserve our pity or contempt. They ought not to be reasoned with. Denunciation, like the storm upon the traveller, but makes them fold the cloak of prejudice closely around them, and go on with more energy. Forbearance towards their follies—as it did with their right of petition—like the influence of the sun, will drive them to the shades of retirement.

But complaint is made against the North because they will not stop the agitation and aggression of these fanatics. How can they stop them? New York cannot quiet the disturbances of her Antirenters. A mob in the city of New York last year, because of some misunderstanding between two actors, nearly destroyed a valuable building, and caused the death of several persons. Massachusetts, some years ago, could not in her peaceful borders prevent the destruction of a convent. Dorism nearly produced civil war in Rhode Island. Philadelphia has had a church destroyed, and an abolition hall burnt down by her staid population.

If these terrible outbreaks cannot be prevented, how can the northern people suppress fanaticism? And yet we are told by gentlemen, the Union will be dissolved unless this agitation ceases.

Who can reason with fanaticism?

"You may as well go stand upon the beach,
And bid the main flood bate his usual height;
You may as well use question with the wolf,
Why he hath made the ewe bleat for the lamb;
You may as well forbid the mountain pines
To wag their high tops and to make no noise,
When they are fretted with the gusts of Heaven!"—

as try and suppress fanaticism by reason or by law.

We give more importance to these agitators than they deserve, by supposing that all who are opposed to slavery are disposed to interfere with slavery in the States. It is a great mistake. Our Quakers, in North Carolina and elsewhere, are all opposed to slavery. In 1824, I think, Mr. R. M. SAUNDERS presented one of their petitions here. The Quakers, in all countries, are among our best population. They are industrious, sober, orderly. They try and do unto others as they wish others to do unto them. But they are no agitators. It is a part of their religion to oppose slavery. Every year they express, in mild terms, their opposition to it. I received, from my district, a few days since, a paper before me, from one of the best men I ever knew—a Quaker. It is entitled "Minutes of the North Carolina yearly meeting, held at New Garden, Guilford county, 11th month, 1849." They send a memorial to the Senate and House of Representatives, in which they say—

"Your memorialists further show, that they believe themselves conscientiously constrained to bear their testimony against the unrighteous system of slavery. Many of them have made pecuniary sacrifices to obtain a quiet conscience; and they respectfully ask Congress to take the subject under deliberation, and legislate for its amelioration or extinction as far as they constitutionally can. For we believe it to be anti-Christian in practice, inasmuch as it is at variance with the divine precept of 'doing to others as we would they should do to us.' We believe it to be anti-republican, because it does not accord with the declaration of American independence—with that self-evident truth, that all men are created equal, and endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

"And we suggest, for your consideration, the propriety of our government acknowledging the independence and nationality of the Republic of Liberia, and extending to her the same comity as other nations.

"Your memorialists and petitioners desire that you may be guided and influenced in your legislation by that wisdom which is profitable to direct—which is first pure, then peaceable, gentle, and easy to be entreated."

Now, these men are among our best citizens; some of them were slaveholders. I know one who emancipated fifty slaves. It would be a moderate estimate to say he sacrificed to his conscience twenty-five thousand dollars. Yet these people would be the last to encourage violence. These men would not fight; but in the hour of trial I believe many of them would do as one did in Rhode Island in the Dorr rebellion. He found a soldier at his post exhausted by fatigue and want of food. "Friend," he said, "I cannot use arms; but I will take care of thy musket until thou hast refreshment." Ask these men what has been the effect of the agitation of Abolitionists, and they will tell you it has checked emancipation. I contend that it is wrong to suppose that the great body of our northern people, who believe slavery to be an evil, as our Quakers do, are therefore disposed to interfere with the southern States, or are "enemies of the South!"

But, to another "aggression on the South." In 1843, Massachusetts passed resolutions recommending a change in the Constitution of the United States. The recommendation was, that the third clause of the second section of the first article of the Constitution should be so changed as to abolish the representation of the southern States for their slaves. This proposition was denounced as tending to disunion. A gentleman from Virginia, (Mr. GUMMER,) and one from South Carolina, (Mr. BUAT,) said of it, "a proposition precisely similar to that now under consideration was made by the notorious Hartford convention." I think when that amendment is made others will be made, and disunion will be the inevitable consequence.

But though the Legislature of Massachusetts did wrong in this instance, it does not follow that while our present Constitution stands, she would interfere with slavery in the southern States. If it evinces a disposition to interfere, it admits also the want of power under the Constitution. Our State Legislatures sometimes do silly things. They resolve one year against the resolves of the year before. But I wish to call the attention of my colleague, (Mr. CLINGMAN,) who no doubt regards these Massachusetts resolutions as an "aggression," to some proceedings of the last Legislature of our State. We had before us, in the winter of 1848-'49, a proposition to amend our State constitution. In the gubernatorial canvass of '48, an issue unwisely was made, upon the propriety of striking out from our State constitution, a provision which requires that all voters for the Senate shall own fifty acres of land. The Democrats raised the cry of "free suffrage." The Whig candidate—a most estimable gentleman—was understood to oppose free suffrage; as might have been expected, the Democrats nearly elected their candidate in a State that gave TAYLOR more than eight thousand majority over CASS. But when the proposition was brought forward to amend our constitution, some of the members from my colleague's (Mr. CLINGMAN'S) district were earnest in advocating the "white basis." They probably remembered what my colleague said in his speech in December, 1847, of the "white race being superior to the black; of course a country filled with the former is more vigorous and prosperous than one filled with a mixed race."

When the proposition was before the Legislature, other amendments were offered beside that relating to "free suffrage."

That I may be understood, let me state, that by our State constitution the House of Commons is composed of members elected from the counties "according to their federal population." The article seems to have been copied from the Constitution of the United States, which Massachusetts wished to amend in 1843—the "third clause of the second section of the first article." One western gentleman proposed in the North Carolina Legislature:

"And be it further enacted, That the Constitution be so amended as to provide that the Senate shall hereafter be apportioned among the several counties of this State according to the Federal basis, and the members of the House of Commons according to the white population of the State."

For this amendment forty-one western members voted, Whigs and Democrats, and among them some of the best men in our State.

Another gentleman proposed "that, in all future arrangements of Senatorial districts, the whole number of white population of the State alone shall be divided by fifty, and every fiftieth part of the *white population alone shall be entitled to a Senator.*"

Our State senators are elected according to a basis of taxation.

Another gentleman—a bolder and truer man is rarely to be found—proposed an amendment, that "the members of the House of Commons be apportioned according to the white population of the State." Rejected—yeas 36, nays 66. And then, just as these political movements are made in the northern States, another gentleman from my colleague's district (Mr. CLINGMAN) moved that "the words federal population" be struck out of the constitution, and "free white population" be inserted in the stead. Rejected—28 to 66.

This last gentleman—a Democrat—thought he would go beyond what the Whig member had proposed. Shall these men be called Abolitionists? No, sir, no; they would be the first to take up arms, if it were necessary, against them. But in Massachusetts a proposition of the like character is denounced as being "the result of the wicked designs of ambitious agitators and ignorant fanatics." I ask my colleague, (Mr. CLINGMAN,) what shall be said of the "white basis" advocates in western North Carolina? Are they agitators? I think the people in eastern North Carolina will ask my colleague to stop agitation at home before he threatens to dissolve the Union for agitation abroad.

Now, Mr. Chairman, the members of our State Legislature who made these propositions are not fanatics. They are true sons of the old North State. They live in the most beautiful land that the sun of heaven ever shone upon. Yes, sir, I have heard the anecdote from Mr. CLAY, that a preacher in Kentucky, when speaking of the beauties of Paradise, when he desired to make his audience believe it was a place of bliss, said it was a Kentucky of a place. Sir, this preacher had never visited the western counties of North Carolina. I have spent days of rapture in looking at her scenery of unsurpassed grandeur, in hearing the roar of her magnificent water-falls, second only to the great cataract of the North; and, while I gazed for hours, lost in admiration, at the power of Him who, by his word, created such a country, and gratitude for the blessings he had scattered upon it, I thought that if Adam and Eve, when driven from Paradise, had been near this land, they would have thought themselves in the next best place to that they had left. I could but think—I hope reverently—of what was told the children of Israel by their leader they should have, when he said—

"For the Lord thy God bringeth thee into a good land—a land of brooks of water—of fountains and depths that spring out of valleys and hills;

"A land of wheat and barley and vines and fig-trees and pomegranates; a land of oil, olive and honey; a land wherein thou shalt eat bread with-

out scarceness; thou shalt not lack any thing in it; a land whose stones are iron, and out of whose hills thou mayest dig brass."

And to this country, for want of a railroad, the East are strangers. And now, when our patriotic sons at home, forgetting all party calls, are, with united effort, struggling nobly to build this road, to make us better acquainted, to build up cities in the East, to give our farmers a market for their produce, to stop the tide of emigration, to bind the East and West together in indissoluble bonds of interest and affection, our ears are saluted here with the hoarse brawling of disunion! And we are invited to contemplate the glories of a southern confederacy, in which Virginia and South Carolina are to have great cities, to be supported by the colony or plantation of North Carolina! A southern confederacy in which the rulers will lead us into an unholy crusade, as far as Vera Cruz, to conquer territory, to give the "sons of the Presidents" a market!!

When the American army was rejoicing at the surrender of Cornwallis at Yorktown; when the acclamations of our revolutionary patriots, and their thanks to Providence were poured forth from their grateful hearts, it is said that a Scotchman, whose bullock had been taken to supply the wants of the soldiers, was heard to shout through the army, "Beef! beef! beef!" when he was clamoring for the price of his property. The genius of the illustrious Patrick Henry has given this man an unenviable notoriety. In the minds of the people of North Carolina the name of John Hook will be associated with these advocates of disunion and civil war.

But the hearts of the great mass of our people of both parties are right. Our great railroad must and will be built. In a few years, the enlivening sound of the steam whistle will be heard in the recesses of our forests; beautiful villages will spring up among us, and the "little hills shall rejoice on every side;" the "valleys shall stand so thick with corn that they shall laugh and sing."

Yes, sir, we will build this road; and with the electro-magnetic telegraph we can communicate news in a few hours to places distant hundreds of miles. And let insurrection take place, our gallant mountain boys—and, among the first of them, the "white basis" members of our Legislature—will come down by thousands to our aid. They will come "as the winds come when navies are stranded."

But I must hurry on. Inexorable, relentless time will not stay his march, even to hear me speak of the future glories of North Carolina.

I come now to another reason assigned by some why we should think of disunion. It was also referred to in the southern address. It is the "notorious GOTT's resolution." Now what is it?

I have a copy before me. In December, 1848, Mr. GOTT offered this resolution. It had to southern gentlemen an offensive preamble, "of the traffic in human beings," &c.; but the resolution is as follows:

"Resolved, That the Committee for the District of Columbia be instructed to report a bill as soon as practicable prohibiting the slave trade in said District."

The resolution was adopted, afterwards reconsidered, and no action I believe was ever afterwards had upon it. And here, by the way, I wish I could have some good reason why the southern Democracy voted for the previous question, with the Abolitionists, on this resolution? Why was action desired except for agitation? But this is the GOTT Resolution—this is the resolution which roused the South, and brought about the southern convention which issued the southern address. It proposes simply to abolish the slave trade in this District.

If I understand correctly the opinions of Mr. CLAY, in his recent and former speeches, he has ex-

pressed his willingness that the slave trade in this District should be abolished. But because he was a candidate for the Presidency, he has been called an Abolitionist. But I have strong southern authority to support GOTT's resolution. A distinguished Senator from Alabama, one very worthy of the place he adorns, a gentleman of ability, of dignified senatorial deportment, respected by all who know him, and, I am proud to say, a native of my own State, (Mr. KING,) in a recent debate in the Senate, used very strong language upon this subject. This gentleman had so good a character, that even John Tyler conferred office on him without injuring him. He said, very properly, "he asked no act of Congress to carry slavery any where." The Senator is opposed to the Wilmot proviso, as I am. And I concur with him entirely in what he says of abolishing slavery in this District. I have an extract from his remarks, which I will print, not having time to read them.

Mr. KING, of Alabama, said "that whether the Congress of the United States has, under the Constitution, the right to abolish slavery in the District of Columbia or not, it would be as gross a violation of good faith towards Maryland and Virginia, as if it had been expressly prohibited in the Constitution, as long as those States remained slaveholding states."

"With regard to what is called the slave trade, I have never seen the day—and Senators are aware of it, I presume, from the course I have pursued heretofore—when I was not willing to pass a law for the purpose of breaking up those miserable establishments that exist under the very eyes of Congress itself, and are so offensive to many gentlemen, who feel perhaps more sensitive on the subject than I do. I am free to say that I am the very last man who would be willing to encourage such establishments."

Did GOTT's resolution propose to do any thing else but "break up these miserable establishments?" And yet if this is done, the Nashville Convention will be instructed to prepare for a dissolution of the Union! And a bill was reported from a committee, I learn of the last Congress, of which the gentleman from Mississippi (Mr. BROWN) was a member, to abolish the slave trade in this District. Again I say, sir, that had General CASS been elected President, we should not have heard all this outcry.

Here allow me to say, sir, that no man in his senses believes Congress will ever be guilty either of the outrage or the folly of abolishing slavery in this District, excepting of course those fanatics who think the Constitution is an "agreement with Hell." If any sensible man ever thought of it, I would ask him *cui bono*? Would it not inevitably lead to the abolition the gentleman from Massachusetts (Mr. MANN) spoke of? Would it not separate husband and wife, parent and child? Any owner of a slave can take him out of the District when he pleases. And what would be the condition of those free negroes now married to slaves? I do not believe we will ever have a President who would approve such a bill. If Mr. Van Buren were President, I would trust even him; and although he had pledged himself to veto the bill, I believe he would do it.

Such an act would justly be regarded by the southern States as a declaration of hostility on the part of the North, and they would act accordingly.

[Here Mr. STANLY was rudely interrupted by Mr. HILLIARD of Alabama, which led to controversy between Mr. HILLIARD and Mr. STANLY, which is reported at length in the *Daily Globe* of March 7th, 1850, to which paper Mr. S. specially refers, as other reports have been garbled.]

Mr. Chairman, when I was interrupted by the gentleman from Alabama, I was speaking, I think, of the aggression on the South.

Yes, the South has been terribly oppressed! Out of the sixty years since the Constitution was framed, the South has had the Presidents all of the time except twelve years and one month. We have had

our share of other high offices. How is it now? In the midst of this formidable invasion of our rights, when the Abolitionists are so strong, we have elected a southern President, who was said to be the owner of more than two hundred slaves! and that, too, against the nominees of the Baltimore convention, when it was said "there was no slaveholder on their ticket!"

We have a southern Speaker, with whose manner of discharging the duties of the chair I have no complaint to make. And what a spectacle his election presented! So strong was party feeling with some gentlemen from the non-slaveholding States, that when the issue was a northern or a southern Speaker, they refused to vote for a northern Speaker. This speaks volumes; party feelings must always influence us, must always be felt by the North and West, and southern votes will always be wanted.

A majority of the Cabinet are from slaveholding States. In the Supreme Court we have five to four. In the army and navy we have our full share. Of the foreign ministers we have more than our share. But still "GOTT's resolution," or some other aggression, troubles us. Let me record another instance of northern liberality. When General HARRISON died, Mr. TYLER became President. Mr. SOUTHWARD, of New Jersey, was chosen President of the Senate; he died, and did the North practice aggression on us? Did they elect a northern President of the Senate? No; they elected a distinguished Senator (Mr. MANGUM) from my own State.

Mark, Mr. Chairman, my argument is not to defend the Abolitionists, or agitators, but to prove that the North—the great body of the people—are not enemies to the South. And, to pursue this argument, how did the votes stand in the last Presidential election?

I have not time to make a very accurate statement, but this statement is nearly correct:

In what are called the free States,
Taylor received.....925,646 votes.
Cass.....812,855 "
Van Buren.....291,678 "
2,030,179

In the slaveholding States,
Taylor and Fillmore received...435,378
Cass and Butler.....409,436
Van Buren.....299
845,113

Whole number of votes, (excluding South Carolina, whose electors are chosen by her Legislature,).....2,875,292

Majority of Union men over Free-Soilers and Abolitionists, only 2,583,315—more than two millions five hundred thousand!

Taylor's majority, although he was reported to be the owner of two hundred slaves, was more than one hundred thousand. And this majority in the non-slaveholding States, where he was opposed by General Cass, who is reported to have said he thanked God he never owned a slave—said he never would, and prayed for the abolition of slavery!

Is this hostility to the South? No, sir; the true secret is, the spoils are gone; some editors are turned out of office, others are disappointed. Or, to use the words of my colleague, Mr. CLINGMAN, in an extract before me as reported in the Appendix to the Congressional Globe, 28th Congress, 1st Session, page 285—he said of the Democratic party what I would say of the doughfaces:

"It will be found on examination this party is governed by seven principles—as John Randolph is reported to have said of Thomas Ritchie—the five loaves and the two fishes. Or, in the language of John C. Calhoun, late a distinguished leader of this party, remarkable for his powers of generalization and condensation, and who was thereby enabled to analyze, simplify, and reduce to a single element

these various principles, it is the 'spoils party,' held together by the cohesive power of public plunder."

And here, sir, let me say another word to my colleague while I think of it.

I hope he will pause in his hasty course until he hears from the people in the eastern part of the State. In case of civil war, they are more likely to be injured by insurrection and by foreign foes than my colleague's constituents.

According to the census of 1840, as nearly as I can ascertain, in the district of my colleague, (Mr. OUTLAW,) from the north-eastern counties, the population was—

	WHITE.	SLAVE.
Wilmington dist.	42,458.....	36,053
Washington " "	49,486.....	33,238
Washington " "	49,308.....	37,665

Now, what is the condition among my colleague's "white basis" constituents?

Buncombe district, (CLINGMAN'S)—White population, 60,039; Slave do. 9,229.

These eastern districts are on the seacoast. My colleague's is the most inaccessible point to a foreign foe in the United States. I do not believe, sir, the good people he represents are willing to engage in foreign or civil war, for any aggression yet committed; and not even to recover fugitive slaves. And I do not believe my colleague's constituents ever lost a slave by northern Abolitionists. Bad men sometimes steal our slaves; if that aggression can be stopped by my colleague, he will do us great service.

I hope to be allowed to speak to my colleague for my constituents—to speak as an eastern man, and as a slaveholder. If, in the providence of God, any calamity befalls us on account of our slaves, I shall be among my people. I shall not inquire, as the servant of my friend from Kentucky (Mr. MARSHALL) did, when he told his servant, John, he wished him to go to Mexico. "Master," said John, after reflection, "how far is the camp from the battle-ground?" His master could not answer satisfactorily, and John declined to go. My affections, my interest, my duty, all bind me with hooks of steel to my home. The graves of my forefathers, for several generations, are there; the dearest friends I have on earth are there; there I expect to live, and there I hope to die; and whatever calamity may come, their fate will be my fate—"their God will be my God."

I wish now, sir, to say a word to the gentleman from Virginia, (Mr. MEADE,) who did me the honor to send me a copy of his speech in the early part of the session.

I protest, as a southern man, against the doctrines of this speech, delivered before the gentleman's constituents in August, 1849. And I think, if copies of it were circulated in New Mexico, and the people understood the gentleman was an influential man at home and in Congress, it would be enough of itself to exclude slavery from that Territory.

Mr. ASHE. The gentleman to whom you refer is not in the House; he is not in the city; he is sick.

Mr. STANLY. I am sorry to hear of the gentleman's illness; though I shall make no remarks of an offensive character. If I had heard he had been taken sick shortly after the delivery of this speech, I should not have been at a loss to account for his illness. I am obliged to my colleague for the motive which prompts the interruption.

The gentleman (Mr. MEADE) says: "We are no propagandists of slavery; had we no slaves, there is not a man present who would vote to bring them among us." I am glad to hear the declaration. The gentleman probably concurs in opinion with my colleague, (Mr. CLINGMAN,) when he said, a country filled with the white race "is more vigorous and prosperous than one filled with a mixed race." My colleague shakes his head; he will find, on examination, I am right in stating

what he said—a sentiment that will answer better for the hills of Buncombe than for eastern low lands; for negroes thrive in some parts of our country where white people can hardly live. The bilious fever is sometimes in the low lands very fatal to the white race. I have heard a highly intelligent gentleman, and a large slaveholder, say he had never known a negro to die from the bilious fever. But I should be glad to be informed, why the gentleman from Virginia would not bring them amongst us, if they "elevate our character"—a sentiment that meets my hearty condemnation. For, if it be true, the "owner of sixty slaves" is more elevated in his character than the owner of five—then he who holds no negroes cannot be elevated in his character! I know a certain district in the United States, in which it was urged that a Democratic candidate, "the owner of sixty slaves," was more worthy of public confidence than a Whig, who did not own half a dozen; but it was not argued that the large slave owner was more "elevated in character" for that reason.

Again: The gentleman from Virginia, Mr. MEADE, says:

"The situation of Virginia is more critical than any of her sisters. She has a slave population of near half a million, whose value is chiefly dependent on southern demand."

Now, sir, if I understand this, it means that Virginia slave owners raise negroes to sell. If so, I say it is horrible to think of. I have spent most of my life among slaveholders—religious men of all denominations are slaveholders—but I do not know one man in my district or my State who raises negroes for "southern demand"—to sell. I should be ashamed to own such a constituent.

Again, says the gentleman from Virginia:

"The whole civilized world is now uniting in a crusade against American slavery, even where it now exists."

I do not admit the correctness of this assertion. But if it be true, how, I ask, shall we improve our condition by dissolving the Union? Both the great parties of the country admit their obligation to stand by the Constitution. What will be the crusade when that Constitution is destroyed?

Again, says the gentleman from Virginia:

"While it must be admitted that strong objections may be urged to the institution of slavery, yet there are advantages also, which, in the opinion of many, are full compensation for the evils attending it. Our past history testifies to the fact that it elevates the character of the white man. Though we have been in a numerical minority in the Union for fifty years, yet during the greater part of that period we have managed to control the destinies of this nation."

The gentleman from Indiana (Mr. FITCH) has already commented on this remark, and I have but one word to add. Are we not now, by our share in the great offices of the Republic, still controlling the destinies of this nation?

But the gentleman says:

"The diffusion of our population is essential to our very existence."

It may be so in Virginia, but it is not so in North Carolina; if we are let alone we can manage ours. Is this diffusion to go on indefinitely? If New Mexico is admitted into the Union, and abolishes slavery, where will the diffusion then be? I see no danger to our existence in the admission of New Mexico as a free State. I had rather have her there than to have a free Mexican State not under the influence of our Constitution and laws.

But in the gentleman's speech he takes another view of the subject. He says:

"If, in the mean time, the Mexican States on the Rio Grande should be annexed, (as they will be if they are to come in as free States,) we shall be entirely cut off from the hope we now have of letting off this population, then probably valueless as pro-

erty, among a people already, to a certain extent, homogeneous, and with whom they may readily and naturally amalgamate."

Now, sir, this is worse, if possible, than the idea of "southern demand." Here is a bright picture for the citizens of New Mexico! Amalgamate! What will the inheritors of the old Castilian blood and spirit say to that?

The gentleman's speech has been extensively circulated. Newspapers have copied large portions of it. Each member of Congress, I learn, has been politely furnished with a copy. If it reaches New Mexico, and her people understand the gentleman expresses the opinions of the South, he will be entitled to the credit or blame of keeping slaves from New Mexico.

I wish now, sir, to say a word to some of the agitators on this floor, who have been guilty of unkind and cruelly uncharitable speeches. A gentleman from Massachusetts, (Mr. MANN,) who has the reputation of being a man of letters and of cultivated taste, gave utterance to expressions which he must have known were offensive to every southern man in this House. He drew a horrid picture of the probable consequences of disunion. Some expressions are, I think, modified in his printed speech; and my blood ran cold to hear a gentleman of his age and standing apparently delight in wounding our feelings. I will not repeat the expressions to which I refer. I could not speak of them in respectful terms. Sir, I have no personal acquaintance with the gentleman from Massachusetts. But if he be the man I have heard of as possessing a cultivated mind, adorned with rare classical attainments, if his speech is a fair exhibition of his feelings, I fear he will furnish another melancholy example of the truth of the assertion, that a cultivated intellect is not always attended with a cultivated heart; that a man's mind may be "rich with the spoils of time," and his heart of flinty coldness. The gentleman is not unknown to the country as an able and eloquent lecturer to literary institutions. His services in the cause of education have been valuable. He has proved in that offensive speech, that with him "knowledge is a Swiss incriminary, ready to combat either in the works of sin, or under the banner of righteousness;" ready to give wholesome advice to young men when entering upon life, or to fan the flames of fanaticism.

The gentleman seemed to speak without regret at the thought that "domestic fury and fierce civil strife" should reign among us. What reason, what motive can prompt the gentleman from Massachusetts thus to speak to us? It cannot give him strength at home. No one accuses any northern man of wishing to establish or extend slavery; and, if the gentleman will withdraw himself from his philosophical reveries, for a few moments, and ask himself, with the remembrance that there is an eye that sees the thoughts of the heart—"What good have I done, what good did I hope to do, by outraging the feelings of all the members of this House?" I think the "still small voice" will tell him—None, none! I fear the gentleman will prove it is true—

"Heart-merit wanting, mount we ne'er so high,
Our height is but the gibbet of our name."

If I might presume to advise one so competent to give advice as the gentleman from Massachusetts is, I would tell him—Better keep at your lectures, have them published and puffed by your friends. In this way, good may be achieved by your efforts. Your eloquence may be praised, extracts may be published from your lectures, exciting the admiration of sophomores and of men. But I beg the gentleman to remember, that, though he speaks with the "tongues of men and of angels, and has not charity," he will become as sounding brass or a tinkling cymbal." And another gentleman, from Pennsylvania, (Mr. STEVENS,) in a speech which was, apparently, deliberately prepared, gave utter-

ance to sentiments, clothed in language that a southern gentleman would not use to a respectable negro. I expected some ultraism from this source. That gentleman is known as a man of excessive humanity. And, since anti-masonry will no longer answer for a hobby-horse, since Morgan's mysterious disappearance has ceased to agitate the public mind in the North, the gentleman must preach against the horrors and the despotism of slavery. I hope his next speech will be fit to be read in the families of Pennsylvania farmers. I hope the gentleman will find some other Morgan to frighten the grandmothers and children of Pennsylvania with. But I ask him to let us alone.

Mr. Chairman, if these gentlemen's minds were not as inaccessible to reason as their hearts seem devoid of kindness towards a portion of their countrymen, I would gladly ask them to listen to some few facts. When I was a young man and first observed public events in North Carolina, free negroes voted as white citizens. Free negroes voted in North Carolina until an amendment was made in our State constitution in 1835. And in the town of Newbern, where I lived, according to my recollection, out of three hundred voters, sixty of them were free blacks. And when the proposition was made in our convention, in 1835, to deprive free negroes of the privilege of voting, it was opposed by some of our ablest and best men. I think the vote stood 65 for abolishing the right, and 60 against it; and among these sixty are recorded the names of Judges Gaston and Daniel, then, two of the judges of our supreme court; Mr. Rayner, favorably known here, and I think also Mr. Montgomery and Mr. Charles Fisher, afterwards members of Congress from my State, and other gentlemen whose names I cannot now remember. Well, sir, what is the effect of the agitation of Abolitionists? Have you improved the condition of the free negroes? Far from it. And if the same proposition were submitted to a State convention in North Carolina, at this day, not one man would vote for it. Within my own memory, emancipation of a slave was a matter of frequent occurrence. A simple petition to the court, on half a sheet of paper, at the request of the master, alleging his slave had rendered meritorious services, and the slave was made free. But these fanatics circulated papers containing doctrines like those avowed in the speeches I have referred to, and the inevitable consequence was, that legislation interfered, for insurrection was talked of in the infamous papers of the Abolitionists, and a feeling that it was necessary to protect our firesides and our homes compelled us to be careful. And how is it now? Emancipation is a difficult matter. In extraordinary cases, our legislature sometimes emancipates. Our laws allow slaves to be emancipated by will, but not to remain in the State. As the public mind became excited, our people thought it wrong to allow emancipation when free negroes could visit our northern States, and return with mischievous intentions; and legislation threw difficulties in the way of emancipation.

This has been the effect of men holding the opinions of the gentlemen from Massachusetts and Pennsylvania, (MANN and STEVENS,) and publishing them as they have. Emancipation was going on daily; but not so now. Northern gentlemen who can understand how the whole of their section can be excited by passing a resolution declaring you shall not petition for any thing and every thing, can also understand how denunciation, threats and impudent interference with our rights, can excite our people to a feeling of resistance. That feeling has caused them to oppose emancipation. Sir, I remember well when we had negro meeting-houses, and negro preachers, some of whom could read and write well; but you philanthropists—those men who would rather look on rivers of blood than that slavery should be extended one inch, and have such horror of chains, shackles and despotism—they

sent incendiary documents among our slaves, exciting them to insurrection. As an inevitable result, education was forbidden. Self-protection required it—protection for the slaves required it. And this is another fruit of your sympathy for the slave! But we do not deny them religious instruction. In one town in my district, the negroes have a clergyman of their own, and their own church—a Methodist church. I wish northern gentlemen could see them, neatly dressed, with cheerful faces, as they are going to worship. I wish they could hear their heart-rejoicing songs, when they sing praises to their Maker. They would think better of slaveholders and less of Abolitionists. Our people regard slaves as property, but not as cattle raised for market.

Meeting-houses are scattered all over our country, and our negroes attend worship as their masters do. Many of them are members of those highly respectable denominations, Baptists and Methodists; and when their masters live in very retired situations, clergymen are employed, in some instances, who preach to the slaves, and instruct them in their religious duties, in chapels on the farms. I know, I am proud to say, one such in my district. I know of another instance, where a large slaveholder, living out of the reach of a church, has a minister of one denomination employed by the year to preach to his negroes—and that minister not of the same church of which the master is a member. These masters are good men, and are looking forward to the account they are hereafter to give for their treatment of those who are placed under their care. Yes, sir; and one such man does more acts of benevolence in one year than a thousand of your fanatics who lecture on the evils of slavery. These slave owners regard their negroes as human beings, in whose nostrils God has breathed the breath of life; in whose bosoms He has implanted a living soul; and they treat them accordingly. Many of our slaveholders are from Yankee land. Many own slaves, who purchased them to prevent their separation from their families.

I tell these Abolitionists, you are the men who have "riveted the chains." But for your efforts, thousands of slaves would have been educated and emancipated—would have been returned to Africa; and Liberia, under the influence of the Christian religion—would have realized what the psalmist said: "Ethiopia shall soon stretch out her hands unto God."

Slavery is an evil; we know it. It is an evil to the white man. No laboring population in any country, except our own northern people, are so well taken care of, so well supplied with all the necessaries of life, as our slaves are. Whatever of evil there is in slavery has been increased by the agitation of Abolitionists—those miserable wretches who denounce us constantly—those sincere disunionists, who say the American Union is a "covenant with death" and an "agreement with hell," and ought to be "immediately" dissolved. These men are sometimes courted by both parties of the North in doubtful contests, and therefore made to appear stronger than they really are. These are they who have increased the evils of slavery.

But let them alone; in a few years more they will be universally despised, and they "will be buried with the burial of an ass, drawn and cast forth beyond the gates of Jerusalem."

Our people are denounced as a blood-thirsty generation. Hear one or two facts. Our laws punish with death any one who is guilty of stealing a slave, or of concealing him with the intent to enable him to escape. Two cases have been tried within three years, in my district. One was an Irishman, a tailor, little over twenty-one years of age, who was, upon testimony too clear to be disputed, proved guilty. He had not been many years in the United States, and those slave-owners

who were on the jury unanimously recommended him to the Executive clemency, which was approved by a slaveholding judge, and he was pardoned by a slaveholding governor. The petition to the governor was signed by the good man who owned the slave. He had slave owners for his counsel, of his own selection, who received no pay; and I am happy to know this man afterwards distinguished himself in Mexico with that gallantry for which the Irish are remarkable. The other case occurred within a year past. An Irish sailor-boy came to the seaport town in which I reside. A runaway slave was found on board, after the vessel had started on her voyage. He was arrested and brought to trial. He was a stranger, penniless, and without an acquaintance or friend. He had counsel of his own choice, slaveholders, who defended him without reward, or the hope of reward in this world. The jury of slaveholders, far above the influence of prejudice excited by the course of the Abolitionists, when there was a possibility that this boy, not eighteen years old, was the dupe of some other person, acquitted him. He was discharged, and treated as kindly in that community as one of our own people.

And yet, these are the people whom the Abolitionists vilify, as being fond of manacles, chains—as despoets.

But I must hurry on; one word as to the Wilmot proviso. I shall not discuss the constitutional question. The subject is worn out. It would be as great an outrage to the southern people to enact it as if it were constitutional. The southern people, with great unanimity, believe, as I do, that to enact the Wilmot proviso would be "an act of gross injustice and wrong." And though as a private citizen, and as a member of our State Legislature, I have opposed the suggestion of a dissolution of the Union, should it be adopted, yet I believe the people of my State will feel called upon, if it is enacted in any law this session, to consult in a State convention if it is not time to inquire whether our northern brethren intend to regard us as equals, or to treat us with unkindness? Whatever North Carolina does, I shall abide by. She will not, without great cause of complaint, be driven to think of disunion. I believe the minds of a large majority of both parties there regard with horror the thought of disunion; but if your legislation here impresses upon the mind of her people that you are unfriendly to us, she will, without bluster or threats, provide for her honor and security in such manner as the world will justify. I will not believe you will enact the Wilmot proviso. There is no necessity for it. I have too good an opinion of our northern members to believe it. All admit that new States, after they are admitted, can either tolerate or prohibit slavery. Then there is no practical question at issue. The northern States are stronger than the southern. But I hope they will remember, though it is "excellent to have a giant's strength, it is tyrannous to use it as a giant." And tyrannous legislation must produce sectional animosities.

While on this subject I wish to say a few words to my colleague (Mr. CLINGMAN) upon the constitutional question. I wish I had time to read at length some extracts from his speech; but I have not—I will print them.

From Mr. CLINGMAN's speech, December 22, 1847, on the slavery question: [Appendix to Congressional Globe, 30th Congress, 1st session:]

"I am now brought, Mr. Chairman, to the direct consideration of the great question, as to the extent of the powers and duties of Congress in relation to slavery in the Territories of the United States. Upon this subject a distinguished politician from the South, (Mr. CALHOUN,) in the other wing of this building, some twelve months since, laid down certain doctrines which are, in substance, as near as I can remember them, these: 'The territories of the United States, being the

common property of the Union, are held by Congress in trust for the use and benefit of all the States and their citizens. Secondly, that Congress has no right to exclude, by law, any citizens of the United States from going into any part of said territories, and carrying with them, and holding any such property as they are allowed to hold in the States from which they come. This view, though perhaps plausible at the first glance, is *really the most shallow and superficial that could possibly be presented.* Admitting the first general proposition to be true, (and no fair mind can question it,) that the territories of the United States are held by Congress in trust for the use and benefit of all the States and their citizens, I am free to confess, that if Congress should see that it was most advantageous to allow all the citizens to occupy the territory in common with the property, it doubtless ought so to provide. But it is equally clear that if, on the other hand, Congress should see that all the citizens of the United States could not thus advantageously occupy all the territory in common, it might divide the same so as to assign certain portions to particular classes or persons." * * * * *

Again:
 "All the power that can be exercised belongs to Congress alone. Congress has power to make all *needful rules and regulations.* But the wants of all communities are in legal contemplation the same. The wants of the Territories may be, and in fact are, just as great as those of the States. It seems to me, then, Mr. Chairman, with due deference to those who have given the subject greater consideration than I have been able to do, that Congress, in legislating for the Territories, is controlled only by the Constitution of the United States. It is equally true, however, that the people of the several States are likewise controlled by this Constitution. Whether acting in convention or through their ordinary legislative governments, they can do nothing contrary to it."

"Congress, then, has over the Territory just such powers as its Legislature would have after it became a State. Both are controlled by the Constitution of the United States, the supreme law of the land. As this Constitution is silent in relation to slavery, it has been argued on the one hand that Congress can do nothing to exclude it from the Territory. On the other hand, it is asserted, with equal confidence, that for the same reason there is no power to establish the institution. These two opposite views are worthy antagonists, and I shall leave them to contend, not fearing that either will ever obtain a victory over the other."

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"If, THEN, CONGRESS POSSESSES GENERAL LEGISLATIVE POWERS OVER THE TERRITORIES, AS I CONTEND, IT IS IDLE TO DENY THAT SLAVERY MAY EITHER BE PERMITTED OR FORBIDDEN TO EXIST THERE."

In another part of my colleague's speech, he gives utterance to opinions rather contradictory to those just quoted. The inconsistency is glaring; but it is fairer upon such a subject to quote it than to withhold it:

"I do not pretend that any section of the Union can insist fairly that territory should be acquired for her benefit. We are doubtless all bound, in good faith, to adhere to the Constitution and Union, with such boundaries as it had when we became parties to it. But I do say, that if the Government should acquire territory, it takes it under the Constitution, for the benefit of all: and a decree that any section, or its citizens, shall be excluded from all such territory, would be as great a violation of the Constitution as the Government could possibly commit. *Such is substantially this proposed exclusion of slavery from all the territories hereafter to be acquired.*"

If the author of this speech means any thing, it

must be this—that after territory is acquired, "Congress possesses general legislative powers," and slavery may either be permitted or forbidden to exist there; but if Congress shall decree that slavery shall be excluded "from all the Territories hereafter to be acquired," it will be as great a violation as the Government could possibly commit!!

Sir, I cannot understand how these views can exist in the same mind at one and the same time. It looks as if one part of the speech was addressed to a Whig Buncombe and another part to a Democratic Buncombe; one to the eastern Buncombe and the other to the western Buncombe.

It reminds me of a verse I read somewhere in my youth, made by one just beginning to write verses—and his first should have been his last—who described a fight on the water, and wrote—

"The stranger and his crew then stormed the boat,
 And all at once jumped in and all at once jumped out."

And further, upon the constitutional question, my colleague argued, very properly, that there could be no difficulty; for, speaking of the Missouri compromise, he said:

"There was, however, a settlement made at length, upon terms which, though unequal to the South, were not at variance with the spirit of the Constitution."

My colleague is regarded now in some parts of the South—even in South Carolina—as very sound upon the slavery question. I have been denounced as unsound for entertaining precisely the same opinions as my colleague does.

And upon the general justice of the duty of the General Government to protect slave property, I desire, in passing, to say, I heard with pleasure the able and statesmanlike argument of the gentleman from Georgia, (Mr. TOOMBS,) made here a few days ago. It gives me more pleasure to add my feeble tribute of commendation to this speech—though I do not agree in all the gentleman said—because the gentleman's opposition to his own friends, and his course in this House before we were organized, met with my decided condemnation.

And while this is in mind, I will beg to say one word to another gentleman from Georgia, (Mr. STEPHENS.)

Before we were organized, that gentleman was understood to call down curses on all those who would not stand up for their section. I made allowance for the gentleman's excited feelings, but I heard the remark with pain. I had read his eloquent speeches with profit and with pleasure, and I had anticipated the pleasure of doing my duty here under his lead; and, when he, and his friends who acted with him, (Messrs. TOOMBS, HILLIARD, and others,) in the southern caucus, voted against Mr. CALHOUN'S Southern address, and did not "stand up for a section," I approved their conduct. When he, and the estimable and highly talented gentleman, my predecessor, (Mr. DONNELL,) and six other southern gentlemen, were denounced as traitors, for voting to lay CLAYTON'S compromise bill on the table, I defended their course. And without having had an opportunity, in the midst of professional pursuits, to examine that bill, I defended their conduct at home, from my knowledge of their character, and justified their not standing up "for a section." According to Mr. CALHOUN'S platform of amending the Constitution, even the Senator from Mississippi, (Mr. FOOTE,) we have within a day or two heard, cannot stand up with Mr. C. for his section. Our worthy Speaker, in that southern convention, could not stand up, according to the address, for "his section." He thought the doughfaces had not had justice done them: the address was against the whole North. The author of that address, who endeavored to excite the public mind, only recommended to the South "to be united;" but has recently, by his ultraism,

disunited them, and I should be glad to know which side the Nashville convention will take. And I should be glad to be informed why those who censure others for not standing up for a section, did not vote for a southern Speaker, when the contest was between a northern and southern Speaker. But I hope the gentleman from Georgia will come back, and let the whole country have the aid of his abilities; and I express now the wish that was in my mind when the gentleman invoked his curses—I hope “the accusing spirit blushed as he gave it in, and the recording angel dropped a tear upon the word, and blotted it out forever.”

A single word to the gentleman from Florida, (Mr. CABELL,) who took part against his friends in the early part of the session. I hope, before he aids to bring about dissolution, he will see that his constituents can take care of the Indians at home without the aid of the General Government.

I desire now to notice, very briefly, a few remarks of my colleague's speech, delivered this session. There are some portions of my colleague's remarks which I hope were uttered without due consideration. He spoke of a “collision as inevitable, and the sooner it comes the better.” What kind of collision did he mean? He made statements of the “existing revenue system operating hardly on the South.” How? Does he mean the Democratic British tariff of 1846? And yet he says: “Looking, therefore, at all these different elements, in greater increase of population, more wealth, and less poverty and crime, we have reason to regard our people as prosperous and happy.” Then, I ask, how does the existing revenue system operate hardly upon us? For my colleague says: “Nor is it true we are poorer than the North, for the slaveholding States are much richer, in proportion to their population, than the free.”

I should be glad to know what facts has my colleague discovered, to cause him to change his opinions on the tariff question. In his speech, delivered this session, he used some phrases that I think I have heard from Mr. CALHOUN and Mr. McDUFFIE; but, in 1844, my colleague made a speech, in which he avowed opinions that did him honor.

I have some quotations before me from that speech which I will print.

Extracts from Mr. CLINGMAN's speech—[From the Appendix Congressional Globe, 25th Congress, first session:]

“We (the Whigs) are in favor of such a tariff as will produce all the revenue necessary to the support of the Government, economically administered, without the money arising from the sales of the public lands.”

He was opposed to a “horizontal tariff,” by which I suppose he meant the compromise act of 1833, or the South Carolina tariff. In 1844, my colleague advocated “incidental protection to our manufacturers and artisans, to sustain our own industry, against the oppressive regulations of others, and counteract, as far as practicable, the hostile restrictions of foreign nations.” Good Whig doctrine. My colleague took then “a common-sense, practical view of this question. We have had theory and parade enough on it.” What theory, except the South Carolina theory, that the “existing revenue system operates hardly on the South?”

In 1844, when this speech was delivered, the tariff of '42 was in operation. The tariff of '46 is said, by its friends, to be “a free-trade tariff.” I say, it is a tariff for the benefit of English labor. How could my colleague advocate the tariff of '42, and think the existing system “operates hardly on the South?”

How his opinions have changed since 1844, when he thus spoke of the tariff of 1842: “This favorable state of our finances has been produced, thus far,

‘without any practical injury having resulted to any section of the country. Not only cotton, but all of our other productions, command a better price than they did before the passage of the tariff; while foreign articles which we import and consume are generally cheaper; I believe I might say, invariably so.”

And upon this tariff, which is spoken of in some portion of the southern country as an “aggression on the South,” I wish I had time to read an extract from a speech of as true-hearted a southern gentleman as breathes; from one of spotless reputation, and whose high talents and character have shed honor on his country. I will print some extracts from his speech.

Extract from the speech of Mr. BERRIEN, of Georgia, April 9th, 1844.—[Appendix to the Congressional Globe, 28th Congress, 1st Session:]

Mr. BERRIEN was referring to the charge that the South was “oppressed.” He said he was “speaking as a southern man,” and he was disputing the charge that there was suffering. He might have been accused of not “standing up for his section.” But he argued as follows:

“It is a mere question of fact; and I answer it by affirming—what I presume no one will deny—that there is a sensible, obvious improvement in the condition of the country since August, 1842. Whether it be because the tariff of that year, or in spite of it, I repeat, is not a subject of my present inquiry: I am dealing with fact, not theory; and these things I take to be undeniable, in the comparison between the two periods:

“1. The credit of the Government was prostrate, and it has been redeemed. Its bills were protested. Its treasury notes were below par. It sought a loan and could not obtain it, either here or in Europe, but upon terms which were humiliating to a great nation. It could not go into the market and borrow money on terms as favorable as would be accorded to a responsible individual. All this has been changed. Its stock is above par. The Government has ample means to meet its current expenditures, and such is now its credit that it could command on loan any amount of money it might require.

“2. The treasury was empty. It is now replenished, has an increasing income probably adequate to its wants, and the means, if need be, of adding to it.

“3. The commerce and navigation of the country have increased.

“4. Its agricultural condition has improved.

“5. There has been a marked improvement in the price of our great staple.

“6. A reduction of prices of almost all, if not absolutely of every article of consumption.

“7. To crown the whole, every branch of industry has been stimulated to increased activity, and confidence has been restored.

* * * * *

“Mr. President: It is pressed upon us in this argument that the act of 1842 imposes undue and peculiar burdens on southern industry—on the planting interest of the South. This, sir, is to me an awakening suggestion—the burden, if it exists, operating alike on my constituents and myself, and upon me, personally, to the whole extent of the productive property which I possess. A little reflection, however, relieves me from apprehension. I know that any tax which the Government can impose, in so far as it operates upon consumption, can only compel the southern planter to share in the burden which all consumers have to bear. Experience satisfies me too that this cannot be to the whole amount of duty, but the foreign producer must bear his proportion of it in the diminished profits of capital. I know that the price of southern produce has not fallen since these duties were imposed. I know too that the prices of articles of southern consumption have not risen, but have been sensibly diminished.”

I shall surely not be blamed for an unwillingness to believe that the existing system of revenue operates hardly on the South and West. And again, I ask, why could not such a man as William Gaston—why cannot our Grahams and Moreheads—see this oppression?

I shall never forget a speech I heard from North Carolina's most distinguished son—Gaston—in the earlier part of my life. It was, I think, at an Union meeting, after North Carolina had been called the "Rip Van Winkle of the South," because she would not nullify an act of Congress. "Better, far better," said Mr. Gaston, "be called the Rip Van Winkle of the South, than the Cataline of the historian, or the Captain Bobadill of the poet—better sleep on forever, than wake to treason or disunion." These words were from the son of one whose father's blood was shed by the enemies of his country; they were from the heart and lips of a patriotic christian gentleman—who was long honored by my native State, and whose memory is still cherished by all her true-hearted sons. His mortal remains repose within the borders of that town in which these "words that burn" were spoken—it is a part of the country I represent. When I forget the applause these sentiments met with from that people, I shall forget them; and when I do that, my "tongue will cleave to my mouth and my right hand lose her cunning."

But my colleague complains of the amount of money expended at the North, and he says: "*North Carolina, for example, is burdened to the extent of not less than three millions, and yet does not get back one hundred thousand dollars in any way from the Government.*" The clear loss in a pecuniary point of view, on account of the action of the Government, may be set down at three millions annually. The southern States generally are in the same condition."

Now, I cannot imagine how my colleague calculates this three millions of burden. I fear it is, to use his own words, a "*want of accurate knowledge of all the facts renders it impossible to determine precisely the effect which our revenue system produces.*"

I should be glad to see these "facts" stated. I suspect my colleague is as much mistaken in this calculation as he is in the number of fugitive slaves escaping from a "few counties in Maryland." He said, "a few counties in Maryland had, within six months, upon computation, lost one hundred thousand dollars' worth."

He is surely mistaken. A Senator from South Carolina (Mr. BUTLER) said that "thirty thousand 'dollars' worth of slaves were stolen from Kentucky annually;" and he added, "the loss to the 'people of the slaveholding States may be estimated at two hundred thousand dollars annually.'" Whose computation is right? And my colleague says Delaware loses "one hundred thousand dollars' worth of slaves each year." My colleague makes the loss of a "few counties in Maryland," and the loss of the State of Delaware, as great as Mr. BUTLER thinks is the loss of the "slaveholding States;" and yet the members from Kentucky, Delaware and Maryland, do not threaten to dissolve the Union.

But the complaint is, a small amount of money is expended at the South. * * * Whose fault is this?

Mr. Tyler vetoed a bill that contained an appropriation of twenty thousand dollars for the improvement of Cape Fear river. And when Congress made an appropriation of fifty thousand dollars for opening Roanoke inlet, on the coast of North Carolina, Mr. Tyler pocketed the bill. Is this aggression? It was an outrage, and well-becoming a strict constructionist of the school of '98 and '99. This is a work of inestimable value to a large portion of my State. I hope to live to see it perfected. The people in mine and my colleague's (Mr. OURLAW'S) district will soon hold a convention relative to this subject—a convention, not to dissolve the Union, but to open a communication by which we

can reach New York by steam in a few hours—to facilitate our intercourse, and bind us together indissolubly. Virginia politicians have opposed this work, and will oppose it. Open this communication, and, in the event of domestic rebellion, we should speedily have thousands of New Yorkers—with whom our intercourse is now so frequent and so friendly—brought on the wings of steam, ready to stand by us.

Let not gentlemen complain of the North on this score. When these internal improvement questions arise I will promise to bring ten, yes, twenty Whigs or Democrats, from the North or West, for any southern Democrat my colleague will find.

My colleague, when speaking of the possibility of a dissolution, said:

"*Subjecting the goods of the North to a duty, with those from other foreign countries, would at once give a powerful stimulus to our own manufactures.* We have already sufficient capital for the purpose. But if needed, it would come in from abroad. English capitalists have filled Belgium with factories. Why did this occur? Simply because provisions were cheaper there and taxes lower than in England. The same motives would bring them into the southern country, since both the reasons assigned are much stronger in our case. It has already been proved that we can manufacture some kinds of goods more cheaply than the North."

What would the "free trade" gentlemen of the South say to that? Would not South Carolina be oppressed by that tariff law?

But we are to have "English capital." England is too well satisfied with the tariff of '46 to lend us money to enable us to impose duties on "other foreign countries." England! who forbid our forefathers to manufacture—who punishes any man who induces an artisan to leave her shores—lend us capital! In 1844, my colleague had "no reliance on the sincerity of the British government." Then he said: "England, who had abolished slavery in her West India islands, was seeking to interfere with the institution in other countries." I do not believe our people will be in love with this idea.

My colleague spoke of the "other acquisitions of 'territory'" to be made "after the next Presidential election."

I do not understand what this means. I hope he does not mean that we are to engage in foreign war again, as was intimated in the Baltimore convention by Mr. HANNEGAN—that we should annex Yucatan and Cuba. I thought the defeat of General Cass had secured us from the dread of such horrid consequences. I advocated General Taylor's election upon the ground that he was opposed to foreign war. Are we to forbid New Mexico to become a free State if she prefers it? How far are we to go before we consent to allow a free State to exist south of us? Must we have "every man's land that adjoins our own?"

There is but one other portion of my colleague's remarks to which I will advert:

"*Have not prominent northern politicians, of the highest positions and the greatest influence, whose names are well known to all gentlemen on this floor, already declared that there is nothing in the Constitution of the United States which obstructs or ought to obstruct the abolition of slavery by Congress in the States?*"

My colleague is better acquainted with politicians than I am. But I do not know any northern politician who has avowed such an opinion. Even the Buffalo convention did not go that far. Again, he says: In twenty-five years, if we are surrounded by free States, the condition of the South would be "that of Ireland; and soon, by the destruction of the remnants of the white population, become that of St. Domingo." And he adds: "Northern men not only admit it, but constantly in their public speeches avow it to be their purpose to produce

"this very state of things." Sir, I must deny this. My colleague is greatly mistaken. Since I read his speech I have inquired, and I am proud to say I have been unable to learn when northern men, or one single northern man, ever avowed so atrocious a sentiment. I can hear of no such man. Surely such a wretch never contaminated this place.

I never heard of but one man so wicked as to think without horror of insurrection in the southern States, and he was a Van Buren Democrat from Ohio, (BENJAMIN TAPPAN, former Senator.)

My colleague spoke with contempt of those who uttered the "insane and senseless cry of Union, Union." He was "disgusted" at it. This disgust is but two years old.

In December, 1847, this spoke my colleague:

"It would be vain, however, for us on either side to hope for such prosperity as we have hitherto enjoyed. If the stream of our national existence should be divided, each branch must roll a diminished volume, and would be able only to bear a lesser burden. Such a separation would be the saddest of all partings. We should feel that our way was lonely, like that of Hagar in the desert—desolate as the wanderings of our first parents, when crime had just begun," &c., &c.

Very handsomely in the same strain:

"We have a community of interest, which it would seem that no party madness could break up. We have, too, recollections of the past, which, to American feelings, are stronger even than calculations of interest."

This was neither insane nor senseless; but rational, and sensible, and well becoming a Representative of the old North State.

A single word as to California. This will be a "test question." The "California proviso" one gentleman from Alabama (Mr. INGE) denounced. What is it but declaring that the people of each State shall have a right to decide for themselves? We have high southern authority for this. Mr. Polk said, in his message, in 1848: "*Whether Congress shall legislate or not, the people of the acquired Territories, when assembled in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of these Territories will be left free to adjust it as they may think proper when they apply for admission as States into the Union.*" No enactment of Congress could restrain the people of any of the sovereign States of the Union, old or new, North or South, slaveholding or non-slaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. Any and all the States possess this right, and Congress cannot deprive them of it."

In the southern address it is said: "Slavery is a domestic institution. It belongs to the States, each for itself, to decide whether it shall be established or not; and, if it be established, whether it should be abolished or not."

The Southern address, also, in referring to the Missouri question in 1819, censures those who advocate amendments "having for their object to make it a condition of her admission that her constitution should have a provision to prohibit slavery."

The address states: "Those who objected to the amendments rested their opposition on the high ground of the right of self-government. They claimed that a territory, having reached the period when it is proper for it to form a constitution and government for itself, becomes fully vested with all the rights of self-government," &c., &c.

The address argues further, that to assume that Congress had a right to require any thing but that the government must be republican, "would be tantamount to the assumption of the right to make its entire constitution and government."

I commend this address to those Democratic

members who are talking of the "California proviso."

I believe, Mr. Chairman, if we reject the application of California for admission as a State, it will be productive of the most calamitous consequences. It will raise a sectional feeling throughout this broad land that may never be allayed. I cannot vote against her admission for any reason I have yet heard. I do not see how any one can make her admission a "test question," who does not wish to bring about a dissolution of the Union. As a southern man I want her admitted—the sooner the better. I advocated the election of our present Chief Magistrate, "not merely as a Whig, but as THE GREAT REPRESENTATIVE AND CHAMPION OF THE PRINCIPLE OF THE RIGHT OF MAN TO SELF-GOVERNMENT." I will not consent to remand her; her people are, most of them, our own citizens. There might be danger of our compelling her to form a government without our aid. She will, I trust, soon be one of us. If no other southern man votes as I do, I will vote for the admission of California. Dead or alive, (as an Irishman said,) if I can get here, I will vote for her admission.

A single word upon the question of Territorial governments. I see no plan better than that recommended by the President, and I shall cordially support it.

I have no time for much argument, but will only present a few questions and conclude. As a southern man I feel indignant at the instances of violated faith and disregard of constitutional obligations on the part of some of our northern States, relative to fugitive slaves. But I believe, from all I can see and hear, they will do us justice in this respect. But is a dissolution of the Union to remedy this evil? Will not a separation greatly increase it?

If the Union is dissolved, will Abolition societies be dead? Far from it.

What is to become of all the property owned by the United States?—what of all the money in the hands of the disbursing officers? Where will all the office-holders go? There will be the voice of lamentation heard in old Virginia that day! But, independent of all considerations of interest, I believe the people of the Old Dominion are truly attached to the Union. They ought to be. Her sons have "ruled its destinies." They have had a full share of its honors and offices. Sir, I believe there are office-holders enough, natives of Virginia, to whip any army of disunionists that can be raised in the State.

Why did not the southern Democracy, who now talk of disunion, take care to provide in the Oregon bill, and other bills containing the Wilmot proviso, when Mr. Polk was President, that slavery should exist south of a certain line? No, it might have disturbed the harmony of the party.

ZACHARY TAYLOR is now President. That makes the difference.

If by any aggressions on the part of the North—which I do not anticipate—this Union is to be dissolved, I tell gentlemen North Carolina will form no part of a southern confederacy, whose ruling politicians entertain opinions like those avowed by some of the southern Democracy on this floor. We will build our great railroad, and before we become hewers of wood and drawers of water for Virginia and South Carolina, we will try, trusting in Providence, to stand up, "solitary and alone." They would soon involve us in war on account of black sailors. North Carolina has not been treated by these sisters with kindness or respect. In 1842, South Carolina passed resolutions, and sent them here, reflecting very unbecomingly on North Carolina, and intimating that she was encouraging abolition, because her people voted against Mr. Van Buren! Time has proved we were right. Virginia but a few years since in her legislature, upon some question relating to railroads, was so discourteous to North Carolina as to call for a proper

but dignified rebuke from our Governor Graham, in his message to our legislature.

Besides, the general tone of the newspapers, and sometimes public speeches of gentlemen of those States, prove that they regard our people as inferior to theirs. No, sir; if we had a southern confederacy, let North Carolina go as "Ilagar in the desert," rather than in company where she would be regarded as an inferior. If Tennessee, our own Tennessee, our daughter, will join us, we can stand against the world in arms. No dissolution could separate us; we should continue as closely united as the Siamese twins.

If North Carolina should join a southern confederacy with Virginia and South Carolina, her fate would be that of the dwarf who went to war in company with the giant. In one engagement, the dwarf lost a hand, and his companion coming to his relief, they carried the day. In the next, the dwarf lost an eye, but his companion aided him, and they were victorious. But the giant appropriated the spoils, and the dwarf's share was glory and the honor of service with the giant. We should not prove dwarfs in any contest; but our treatment after the battle was over would be like that of the dwarf.

I have read recently in a newspaper that a plan has been made, if certain questions are not settled, to break up our organization, by resorting, if necessary, to bowie-knives and pistols. I do not believe it. I hope it is a slander. A part of the same slanderous story is, that one-fifth of the members of this House, having a right to call the yeas and nays, will continue to do so, and if that will not succeed, to resort to violence. It may sometimes be proper to defeat an attempt to force any measure, without opportunity of debating it, in the manner referred to—calling yeas and nays, &c.; but, as to resorting to violence, and attempting to stop the wheels of Government by this means, I will not believe any man in his senses ever dreamed of it. But if such a wicked scheme were on foot, I have a remedy to propose. There are two hundred and thirty-one members of this House; one-third of these is seventy-seven—two-thirds, one hundred and fifty-four. Now, by the Constitution, two-thirds can expel a member. If two-thirds of us do our duty, all will be well. A member's privilege protects him, no matter what he says here, but he might be arrested for a breach of the peace; and should any member here resort to violence for such purposes as are referred to in the newspapers, he will soon find himself where he ought to be—in the penitentiary.

I advise all gentlemen who contemplate schemes of disunion, to read Burr's trial. They may find some valuable hints there; they may learn that a man may be guilty of treason, though he may not be corporeally present when the overt act is committed.

MR. ASHE. Does my colleague mean that calling the yeas and nays is treason?

MR. STANLY. No; I do that frequently myself; I refer to a newspaper statement of an organized plan to break up the Government by violence.

A word or two now of the proposed Nashville convention. I see no necessity of any such convention. I see great reason, since the late demonstration of a Senator from South Carolina, (MR. CALHOUN,) why that convention should not meet, and ought not to meet. He said, in the southern address, "be united." Many of his own friends cannot go with him in his proposition for amending the Constitution. No one knows what the convention will or can do. The Wilmot proviso will not pass; that is one "test question." There is no possibility a bill will be passed abolishing slavery in this District; that, with some, is another "test question." Then as to fugitive slaves—let us see whether additional legislation will not be granted this session; and that ought to be a "test question"

for those States who have lost fugitive slaves. Then as to the admission of California—as to what is called maliciously the Executive proviso—he who goes to the Nashville convention to produce opposition to the Government on this account, is no friend of his country, and is in favor of disunion, no matter what Congress does or refuses to do.

Nashville, I should have thought, would have been the last place selected for the meeting of such a convention. Near that city is the grave of Andrew Jackson. I differed in opinion with this celebrated man, as to the propriety of some of his measures while he was President. But he won my highest admiration, by his patriotic firmness in putting down nullification in 1833. His services to his country then threw into the shade, or rather added brightness to his military renown. And, if he had rendered no other service to his country, he would have been entitled to the lasting gratitude of his countrymen.

When that convention meets, I suppose some Democrat will offer a resolution testifying the respect of that body for his memory. What will they say of his administration as President? What of that admirable message of January 16th, 1833—the last paragraph of which deserves to be printed in letters of gold?

I think it would be an outrage upon the feelings of the people of this country—an insult to the memory of General Jackson, to allow that convention to meet in Nashville, to consider the propriety of dissolving the Union.

I do not believe the people of Nashville will permit it; and if that convention meets, and a proposition is made to consider even whether the Union ought not to be dissolved, I hope the citizens of Nashville will drive every traitor of them into the Cumberland river.

If any of the good people of North Carolina have thought that it might be possibly proper for them to attend that convention, they will think better of it, I have no doubt, after they read the recent extraordinary speech of a Senator from South Carolina, (MR. CALHOUN.) In that speech he tells us, our government is "as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any 'absolute government that ever existed.'" And then he tells us what no southern man has ever thought of before, that in addition to all that politicians, public meetings, and State Legislatures have demanded, we must have, to save the Union, an amendment of the Constitution, "which will restore to the South, in substance, the power she 'possessed of protecting herself before the equilibrium between the sections was destroyed by the 'action of this Government.'" Was ever a proposition more preposterous? I have tried, since the speech was delivered, to ascertain what this proposed amendment is, and I cannot. Congress is to obey his suggestions, no matter what they are, to be communicated in his own time! Sir, he asks impossibilities, and I am compelled to believe he asks them because he knows they are impossibilities.

I have heard several speeches here containing ideas similar to some of those advanced in this speech; we have had little dribbling streams—the spring from whence they sprang is now exposed to view.

MR. CHAIRMAN, my honorable colleague before me (MR. VENABLE) gave utterance to some opinions in his speech which I regret I have not time to reply to. I think my colleague's words are stronger than he intended. He says: "The bitter waters of 'strife are about to be substituted for the refreshing 'streams of patriotic affection.'" I hope not. He wants no "waters of strife." It is not in his nature to enjoy them.

I have time only to refer to one part of my colleague's speech, (MR. VENABLE'S.) He says: "The 'South has kept faith with the North in all things

'in which the covenant bound them.' As far as North Carolina is the South, she has kept faith; but that is not so with all the South.

I agree with my colleague that we have cause of complaint against some of the northern States, who have done outrage to the Constitution, and treated us shamefully in regard to fugitive slaves. We have cause of complaint on account of their resolutions upon the subject of slavery. But some of my colleague's political associates forget that this Constitution was framed not only to protect southern property, but to encourage American labor, North as well as South. Have we had no warfare against the protective tariff? Yes, for more than twenty years. And when the compromise bill in 1833 was passed, the home valuation feature was inserted with the express purpose of giving protection to American manufactures. Yet when the compromise expired, some of our southern politicians violently opposed the home valuation feature, and talked of a dissolution of the Union if the protective policy was revived.

Sir, I know better than my colleague, from my being on the seaboard, the losses our people have sustained from fugitive slaves; and I believe the compromise act, which was passed to gratify or to save from trouble a portion of the South, sacrificed as many *millions* of dollars of northern property as the whole South ever lost in *thousands* of dollars in fugitive slaves. But I will not dwell longer on my colleague's speech. He is an amiable gentleman, very companionable, possessing no small literary acquirements. What Goldsmith said of his friend Hickey, I think, I can say of my colleague, (Mr. VENABLE:)

"He cherished his friend, and relished his bumper, Yet one fault he had, and that was a thumper"—

not only that of being an attorney—but my colleague is from one of the "double F V's"—a first family Virginia gentleman—a strict constructionist—republican—Democrat of the school of "'98 and '99"—and to expect any thing reasonable in politics from such a quarter, is most unreasonable.

Mr. Chairman, I must conclude. I have spoken freely; I think the times require it. I have not intended to speak offensively to any gentleman in this House; but I have spoken what I believe my duty to my country demanded, and I have spoken what I believed to be true.

I have an abiding trust and confidence in the Ruler of nations, that he will not suffer evil counsels to prevail among us. He, without whose knowledge not a sparrow falleth to the ground, will, I hope,

preserve this country, that we shall continue to be an asylum to the oppressed of all lands. I believe that as hundreds of years will have rolled by, and generation after generation passed away, in the words of the great defender of the Constitution, (Mr. WEBSTER,) "Liberty and Union, now and forever, one and inseparable," will continue to be a sentiment dear to every true American heart.

Yes, I believe in a special Providence. Washington was preserved through countless dangers, and in one battle had two horses shot under him. "The Great Spirit," as the Indian chief told him, preserved him from harm.

He was called on, in peace, to put down rebellion and preserve the Union.

Jackson, too, rendered great and important services to his country in war, and by his firmness in time of peace crushed the spirit of disunion during his administration. And when we remember the long and faithful service of the incorruptibly honest man, of the patriot soldier, now at the helm of state, —when we remember how his life was spared, when in the midst of dangers his conduct has thrown a blaze of glory on the arms of his country,—who can doubt he will perform his duty to the Union—that, "whatever dangers may threaten it," he will "stand by it and maintain it in its integrity, to the full extent of the obligation imposed and the power conferred upon him by the Constitution?" His civil administration, I trust, will be so glorious that it will eclipse his military renown.

Let the storm of party roll on; let politicians carry on their party manœuvres; the hearts of the southern people are right. They are watching our deliberations, in the hope that our measures will prove "salutary examples, not only to the present, but to future times; and solemnly proclaim that the Constitution and the laws are supreme, and the Union indissoluble." They will say amen, in response to me, when I say, God grant the day may never come, when I shall behold a citizen of California, Maine or Florida, and say "he is not my countryman."

Mr. Chairman, when the gallant Ethan Allen surprised Ticonderoga, and demanded of the commander that he should surrender the fort, he asked Allen "by what authority?" "I demand it," replied Allen, "in the name of the great Jehovah, and of the Continental Congress."

Invoking the protection of the great Jehovah, for our whole country, in the name of the people of North Carolina I say, this Union cannot be, shall not be destroyed. Those whom God hath joined together, no man or set of men can put asunder.

SPEECH

OF

MR. HALE, OF NEW HAMPSHIRE,

ON

THE TERRITORIAL QUESTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, TUESDAY, MARCH 19, 1850.

The Senate having under consideration the compromise resolutions submitted some time since by
Mr. CLAY—

Mr. HALE. Mr. President, it seems to have been admitted by almost every one who has addressed the Senate on the subject which has for some time past engaged the attention of this body, that the Senate and the country at large are divided into two classes—I will not say two great classes, but one large and one very small one; that the great body of the Senate and of the country are patriotic; that they earnestly and anxiously desire that the distracting questions which divide and harass the country may be settled upon some just and patriotic grounds; while on the other hand, there are a few, designated as *extremists*, or *ultraists*, who do not desire to see any such end effected; who desire, in other words, to promote agitation; who are anxious for nothing but trouble and disturbance; whose sole purpose is to increase the irritation that already exists in the community—to keep the public mind sore, the public pulse throbbing irregularly with feverish heat. Nothing, it is said, is so strange as the physical and moral organization of these few gentlemen; agitation is the aliment upon which they feed, and by which they live: take away that, and their life, their occupation, all which furnishes them with a motive for living, is gone.

Now, I have not a word to say personally against this; I am glad, sir, that these *ultraists*, if they do nothing more, at least accomplish this much good—that they afford this wholesome safety-valve to these extra exhibitions of patriotism on the part of those who are in the habit of addressing the Senate. Hardly any one seems to suppose that he has discharged the duty which he owes to the country, or done what he ought to do to satisfy his constituents, unless he mingles with the suggestions which he makes wholesale denunciations against those *ultraists*—those agitators; and even the calm and judicial mind of the Senator from North Carolina, who has just concluded his remarks, is so infected with the prevailing mania, that even he, educated as he has been upon the bench, where he learned to sanction a line of safe precedents, could not sit down satisfied that he had discharged his duty, until he had relieved his conscience of a due proportion of vituperation against these miserable fanatics and agitators.

I think, then, it must be granted that the agitators do some good—at least by affording a safe and wholesome channel through which this extra exhibition of patriotic indignation may find vent. I do hope that, if it be not conceded that they do any other good, at least credit will be accorded to them for this much. I have not a word to say in reference to the good taste or the truth and candor which prompts such a course. I make no appeal to gentlemen, who feel a consciousness in their own breasts that they are governed by high, pure, and elevated motives, to

consider how far it is consistent with a proper self-respect to be continually employed in depreciating and attacking the motives of others.

When I obtained the floor, sir, some time since, after the address that was delivered by the distinguished Senator from South Carolina, who is not now in his seat, I suggested that, according to my reading of history, the account which he had undertaken to give of these agitations sounded to my mind more like the romance than the truth of history, and that I designed, upon some occasion, when it suited the convenience of the Senate, to set history right in some particulars alluded to by him. And that is one of the objects I propose to myself to-day. I shall, sir, be compelled to call the attention of the Senate to the speech of the Senator from South Carolina somewhat in detail; and, in devoting some few moments to a preparation upon this subject, I endeavored to make something of an analysis of it. Before I had proceeded very far in my examination, I found it assumed the form of a regular catechism—questions and answers being given. In the first place it commenced with a concession of the fact that the Union was in great danger; then it asks—

“1. How can the Union be preserved?”

“Answer.—To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and character of the cause by which the Union is endangered.

“2. What has endangered the Union?”

“Answer.—To this question there can be but one answer; that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union.

“3. What is the cause of this discontent?”

“Answer.—It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union.

“4. What has caused this belief?”

“Answer.—One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place. There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified and the Government put in action, has been destroyed.”

Now, sir, the first act of this Government, in the series of these events which has broken up this equilibrium and caused this universal discontent, the honorable Senator says, is the Ordinance of 1787. I shall not undertake to go particularly into the history of that Ordinance, because it is familiar to the Senate and the country, and has been frequently referred to by gentlemen who have already addressed the Senate on this subject. This, mark you, is the first in the series of Northern aggressions by which the equilibrium which once existed has been destroyed.

Mr. BUTLER. The word "aggression" does not occur in his speech, in that connection, at all.

Mr. HALE. I do not know exactly whether the Senator used the word "aggression" or not; perhaps he did not.

Mr. BUTLER, (in his seat.) I know he did not.

Mr. HALE.* At any rate, it is one of the acts which has destroyed the equilibrium. That is it. The equilibrium is spoken of by the Senator several times, and the Ordinance of 1787 was one of the first of this series of events which, he claims, destroyed this equilibrium. And, sir, it is curious that this first act of Northern aggression—the Ordinance of 1787—was adopted in the Convention of 1787, with but a single dissenting vote, and that was a Northern vote. Yes, sir, the only vote in the Convention of 1787 against this Ordinance, which is said to have broken up the equilibrium of the States that originally existed, and which was to be perpetuated between the Northern and Southern States, was a vote from a Northern State—the State of New York; for the delegates from every other State voted unanimously for it—the delegates from South Carolina among the number.

Well, sir, what followed? I propose to show now, if the Senate will give me their attention, that this famous Ordinance of 1787, which has now got to be the Wilmot Proviso, and which is deemed to be so insulting to the Southern States of the Confederacy, if it is retained in our Federal legislation; that this Ordinance of 1787, older than the Constitution, was re-enacted by the first Congress which assembled under that Constitution, and in the preamble to the act which recognised the Ordinance it is expressly recited that it is done in order that its provisions shall be made conformable to the Constitution of the United States. The act was approved the 7th August, 1793, and is to be found in chapter 8th of the laws of the United States. The preamble I will read. It is as follows:

"Whereas, in order that the Ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States."

That, sir, was the position of the first Congress that assembled under the Federal Constitution; it re-enacted and re-established the provisions of that Ordinance. Now, sir, we have been told to-day, as well as on previous occasions, that, if this principle is insisted on, it is an insult and such a grievous wrong that the Southern States, if they remain in the Confederacy, will remain not from any principle of attachment to the Union, but from fear of the bitter consequences which might follow secession. Now, I undertake to say that I will prove, to the satisfaction of every reasonable man who can read the statutes of the country, that the principle embodied in that Ordinance of 1787, and re-enacted by the first Congress under the Federal Constitution—who declared that they did it to adapt its provisions to those of the Federal Constitution—has been continued to be re-enacted, in substance, from the time of Gen. Washington, who signed the first act, down to James K. Polk, who signed the same provision in the Oregon bill; and that the talk which is raised by gentlemen about making an unequal and unjust discrimination about property, has no foundation which may not with equal justice be alleged against every one of the acts of the Federal Government organizing Territories, which mark our history from the adop-

* On the second page of the speech of Mr. CALHOUN is the following sentence: "One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time."

At another place, on the same page, he says: "At that time there was a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other."

tion of the Constitution down to the present time. I ask the attention of the Senate to the subject. It will be found that, as early as 1794, on the 22d March, by an act of Congress, General Washington then being President—while the foreign slave trade was not prohibited, and could not be by the provisions of the Federal Constitution until 1808; while the trade in foreign slaves was the subject of legitimate commerce under the Constitution; while every citizen of the United States had a right, under the laws and the Constitution, to go from any port of the United States to the coast of Africa and take a cargo of slaves and bring them to any port in the United States—Congress, in 1794, made a discrimination against this species of property, and prohibited the building or fitting out of any vessel for the purpose of carrying slaves to any foreign country: they might bring them here; but Congress thus far discriminated against that species of property as early as 1794, whilst it was a subject of legal commerce under the Constitution of the United States. Congress did not interfere, provided the slaves were brought home; but they did, and utterly destroyed that species of property as an article of commerce, when an attempt was made to carry it to any foreign country. That was an act passed under George Washington. Its provisions were as follows:

"An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country."

"Sec. 1 prohibits building or fitting out vessels for the purpose of carrying slaves to any foreign country, or procuring them in any foreign country to carry them to another. Vessels fitted out for that purpose forfeited."

"Sec. 2 imposes a penalty of \$2,000 on any person aiding or abetting in fitting out such a vessel."

"Sec. 3. Any owner, master, or factor of any vessel clearing for Africa, or suspected of being intended for the slave trade, are required to give bond in substance not to violate the provisions of this act."

"Sec. 4 imposes a penalty of \$200 for every person received on board any vessel in violation of this act."

"G. WASHINGTON."

"Approved, March 22, 1794."

That is an act passed in 1794. Well, sir, other acts of a similar character, only more express and explicit in their provisions, may be found. In the act of 1798, for the settlement of the limits of the State of Georgia, and the establishment of a Government for the Mississippi Territory, passed on the 7th April, 1798:

"Sec. 3 establishes a Government for the Mississippi Territory, in all respects similar to that now exercised in the Territory northwest of the river Ohio, excepting and excluding the last article of the Ordinance made for the government thereof by the late Congress, on the 13th of July, 1787, which provides that there shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, &c."

"Sec. 7 makes it unlawful to bring slaves into Mississippi Territory from any place without the United States, imposes a penalty of \$300 for every slave thus brought into the Territory in violation of the provisions of this act, and gives every slave thus brought in his or her freedom."

"Approved, April 7, 1798."

Look at the provisions of that act. Slaves might legally be imported into the United States for ten years after that act was passed; they might be imported, and were as much and as legally a subject of property as anything else, but Congress took occasion to regulate that species of property ten years before the prohibition to the importation of slaves was to take effect, and declared that slaves should not be carried into the Mississippi Territory from any place without the United States, and that any slave carried there became free, and a penalty was imposed on those that took them there.

Slaves were at that time—in 1798—legal articles of commerce. Congress had no power under the Constitution to prohibit vessels from going to foreign countries, and taking cargoes of slaves, and bringing them here. They were, under the Constitution, as legitimately articles of commerce as sugar or molasses. Well, Congress did undertake, that early in 1798, to say that slaves, which were recog-

nised as articles of commerce in the States, should not be carried into the Territories. That fact establishes two points. It shows that Congress legislated for the Territories, and it shows that they legislated upon this particular subject within the Territories.

Well, sir, there are other acts of a similar character. In an act erecting Louisiana into two Territories, and providing for the temporary government thereof, approved the 21st March, 1804, section 10 prohibits the bringing into said Territory, from any place without the United States, any slave or slaves, and imposed a fine of three hundred dollars for any slave so imported; and, further, the act prohibited the bringing into the Territory any slave or slaves which shall have been imported into the United States since the 1st day of May, 1798, or which shall hereafter be imported. Under the provisions of this act, passed in 1804, Congress undertook to say that slaves which had been imported into one of the slave States between 1798 and 1804, fair matters of commerce under the Constitution, should not be carried into the Territory, and imposed a penalty on any one so carrying them. Here, then, is an express and explicit recognition, on the part of Congress, of the right and authority of Congress thus to legislate upon this subject.

Under the provisions of this law, no one could move from a slave State into the Louisiana Territory in 1801, '2, and '3, and carry with him slaves imported from Africa into any State subsequently to 1798. Or if they did, they did it in violation of this law, which prohibited it.

I will not weary the Senate by going over the history of these several acts. They will, very many of them, be found in a speech delivered in this body on the 20th June, 1843, by Mr. Dix, then a member from the State of New York, and they come down to the very last Congress—because the last Congress, adhering to the legislation heretofore practiced, passed the Oregon bill, containing this very same prohibition, and it was signed by Mr. James K. Polk. He certainly must have understood it to be a constitutional prohibition, the constitutional exercise of a right vested in Congress, or he never would have signed it.

The proposition was made in both Houses to put the enactment of that clause in the Oregon bill on the ground that it was north of thirty-six degrees thirty minutes. Both Houses refused to do it. It went to Mr. Polk, and he signed it, and sent it back with a paper, the substance of which, as I read it, was, that it was constitutional then, but never would be again. That, sir, has been the legislation of Congress, older than the Constitution, coming down through successive Presidents—Washington, Adams, Jackson, Van Buren, and so on; and, in the organization of Territorial Governments in Mississippi, Louisiana, Florida, and Michigan, all in express terms recognising this right: sometimes limiting slavery to a certain class of slaves, in other instances excluding it altogether.

And now we are told that if we adhere to this long-established, well-considered construction of the Constitution; if we continue to tread in the old path which our fathers marked out for us, that the sensibility, the sensitiveness of the South, which has been sleeping for more than fifty years, will be galvanized into such activity, as to endanger the Union itself.

Well, sir, these arguments may be all potent, but I want to put history right. We are told that this agitation of the subject of slavery here is something new, and the Senator from South Carolina gave it a date of fifteen years. He said that it had commenced in 1835, and that as soon as it was introduced, he saw the mischief that was to ensue from it. The honorable Senator from South Carolina did not go back far enough; agitating papers of the sort complained of came here longer ago than that. He ought to have gone back to 1776, and he would have found one of the most "agitating" and "fanatical" papers that he could well find, beginning with the declara-

tion that all men are created equal. The agitation of this question of slavery goes back as far as that, and it shows what was the action and understanding of the men of that day. I wish to read, sir, a petition presented to the first Congress that ever assembled under the Federal Constitution, and signed by one of the great minds that framed it. I allude, sir, to Doctor Franklin; not one of these modern "agitators," not one of those amphibious animals, that have been described as flying about in the twilight, between light and darkness.

On the 12th February, 1776, Benjamin Franklin, as President of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the African race, presented a petition, which I send to the Clerk's table to be read:

FEBRUARY 12, 1790.

"A memorial of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the African race, was presented and read.

"The memorial respectfully sheweth:

"That, from a regard for the happiness of mankind, an association was formed, several years since, in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessions to their numbers, many friends to their cause, and a legislative co-operation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow-creatures, of the African race. They have also the satisfaction to observe, that, in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming at home and abroad.

"That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of America fully coincides with the position.

"Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it to be their indispensable duty to present this subject to your notice. They have observed, with real satisfaction, that many important and salutary powers are vested in you, for 'promoting the welfare and securing the blessings of liberty to the people of the United States;' and, as they conceive that these blessings ought rightfully to be administered without distinction of color to all descriptions of people, so they indulge themselves in the pleasing expectation that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.

"From a persuasion that equal liberty was originally the portion and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom.

"Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone in this land of freedom are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you, for discouraging every species of traffic in the persons of our fellow-men.

"BENJ. FRANKLIN, President.

"PHILADELPHIA, February 3, 1790."

Objection was made to the reception of the petition, and a debate ensued, when a motion to refer it to a committee prevailed, by a vote of 43 yeas to 11 noes. It was considered in committee, reported on, and the whole subject was under debate on the 5th, 8th, and 9th of March, 1790—the proceedings of which action in Congress may be found in the Journals, page 180. I only refer to this history to show that there were "fanatics" and "agitators" in earlier times than the year 1835; that there were men who were affected with this "mania" long ago; and that amongst those upon whose grave must fall the de-

nunciations that are so freely and frequently heard here, is the man who alone of mortal man had vision enough to answer the question proposed by the Almighty to his servant long ago, when he asked him if he "can discover the way of the lightning of thunder?"

Well, sir, I have another document, and a very curious one it is, too, referring to the action on this subject later in the history of Congress. It is to be found in the fourth volume of the House Journals, page 381, second session of seventh Congress, under date of March 2, 1803; and it is, sir, a case in point. The Territory of Indiana then being under the provisions of the Ordinance of Freedom of 1787, the people of Indiana, through a public meeting, of which William Henry Harrison was President, petitioned that this article of the Ordinance of '87, prohibiting slavery in the Territory, might be suspended for a given number of years—about ten, I believe it was. The petition was referred to a committee, of which the celebrated John Randolph, of Virginia, was chairman. I desire to read an extract from his report, because it shows what sentiments obtained in Virginia on this subject, in 1803:

*House Journal, Vol. 4, Page 381—2d Session 7th Congress—
March 2, 1803.*

"Mr. Randolph from the committee to which were referred a letter from William Henry Harrison, President of the Convention held at Vincennes, declaring the consent of the people of Indiana to the suspension of the sixth article of compact between the United States and the people of that Territory, also a memorial and petition of the inhabitants of the said Territory, made the following report:

"That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region; that this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.

"From such a consideration as they have been enabled to bestow on the subject at this late period of the session, and under the pressure of accumulating business, they recommend the following resolutions, which are respectfully submitted to the judgment of the House.

"1. *Resolved*, That it is inexpedient to suspend, for a limited time, the operation of the sixth article of compact between the original States and the people and States west of the Ohio.

"2. &c., &c."

And, sir, is there a citizen of Indiana to-day, who will not rise up and do credit to the sagacity and philanthropy of John Randolph, when he told them that, in the wisdom and sagacity of that exercise of power, they would find ample remuneration for any temporary grievance they might be suffering under, by the present application? And, sir, here was a case stronger than any which has been or can be presented here—a case of a Territory of the United States, settled by freemen, with slavery interdicted, who come forward and ask Congress to relieve them from that interdiction—to relieve them from that prohibition—and Congress refused to do it. And they refused to do it upon the report from which I have just read—that made by Mr. John Randolph, of Virginia. Now, sir, I think I may safely leave that part of the subject, the Ordinance of 1787, having shown that it was not imposed by a part, but that it was the act of the whole country. It was impressed upon the legislation of the country at its earliest period; it has continued there ever since, and it remains there now. What do gentlemen want? On the principle that they contend for, that it is an insult, do they want to repeal the bill establishing the Oregon Territory? Do they want it obliterated from the history of our legislation? They can speak for themselves, sir, on that point.

The second matter which has disturbed the equilibrium, according to the arguments of the Senator, is the Missouri Compromise. Sir, the Missouri Compromise disturbed the equilibrium of those Northern Representatives that voted for it, more than anything else that ever happened; and that is the only equilibrium I ever heard of as being disturbed by that Compromise. Not only did it disturb their equilibrium, but it threw them entirely off it, and, with but very rare exceptions, these politicians have not yet recovered their equilibrium, and, what is more, they never will. Well, sir, if, according to the argument of the Senator from South Carolina, the Missouri Compromise was such an odious measure, and has had such an injurious effect upon the South, is it not singular that we find nearly every Southern man voting for it, and every Northern man voting against it, whenever it is offered? At the last session, when a motion was made to insert the Missouri Compromise in a Territorial bill, nearly every gentleman representing a Southern State on this floor voted for it, and the Northern men, as a body, were against it. Then, sir, it is the South who were aggressive, and who were destroying the equilibrium; and it is the North who have resisted it. And further, has not every other Southern gentleman who has spoken here of that Compromise characterized it as a great healing measure, and as one that gave quiet, peace, and security to the country, and will do it again, if adopted? And is it not a curious spectacle that they should thus ask us to return and settle down on one of the very measures that, in the opinion of the Senator from South Carolina, has been so potent and effectual in destroying the equilibrium?

Yes, sir, the Missouri Compromise, which is designated by the Senator from South Carolina as the great equilibrium-destroyer, has been lauded in our presence as a measure of peace and concord, and as one that the South is willing to take and abide by now. Yes, sir, this measure, which Southern gentlemen now express their readiness to receive and abide by, the Senator from South Carolina puts second in his list of the measures which have destroyed the equilibrium and produced discontent in the South!

Well, sir, the third measure of which the Senator speaks as destroying the equilibrium between the sections, and producing this great discontent in the South, is the Oregon bill! If this be so, it must, indeed, have had a wonderfully rapid influence, for it was only passed in August, 1848, has been but about a year and a half in operation, and, indeed, I do not know whether any despatches have been received by this Government, informing us of the organization of the Government instituted at that time; if they have been, they have not been laid before Congress. Is it possible, then—can the Senator from South Carolina be serious, when he mentions the Oregon bill as one of the three measures of the Government which have produced such universal discontent at the South that they can no longer remain in the Union? What possible influence can the Oregon bill have had on the South within the brief time that has transpired since its passage? I will not spend more time on this subject. The charge is preposterous.

I have another document to which I will here refer, as it shows that there was discontent and talk of disunion in the South long before this Oregon bill was thought of. The Senator from South Carolina speaks of the abolition fanatics in 1835, (which is the time, as he says, they commenced their operations,) as being small and contemptible, and as having no sort of influence and consideration. Now, what was the declaration of the Senator in 1835, the very time when he states this faction was so small and contemptible? In Nilce's Register of 1835, 49th vol., 49th page, is an extract of a letter from John C. Calhoun to the editor of the Washington Telegraph. He says:

"Since you passed through the South, the excitement in

relation to the Northern fanatics has very greatly increased. The indications are, that the South will be unanimous in their resistance, and that their resistance will be of the most determined character, even to the extent of *disunion*, if that should be necessary to arrest the evil. Trust, however, it may be arrested far short of such extremity."

From this it appears that as long ago as 1835, the South—all the South he speaks for—had come to such a unanimous determination to resist the Northern fanatics, that, if they could not put them down in any other way, they were ready to dissolve the Union. "Small and contemptible as this faction then was," to use the language of the Senator from South Carolina, it was potent enough, it seems, to work up the whole South to a determination to dissolve the Union if they were not put down.

I wish to call the attention of the Senate to another view of this question of the equilibrium. The Senator from Georgia, [Mr. BERRIEN,] in his speech the other day, puts this significant question to Senators from the Northern States. He says:

"Now, sir, revert to the period when this Constitution was entered into—when thirteen Confederate States, loosely connected together, mutually grasping hands, drew more closely the bond of union; and now tell me, do you believe, does any man believe, that it consists with the spirit and intention of the framers of that instrument, with the feeling of that moment, that you should circumscribe slavery within limits within which, in process of time, it could no longer exist? That were to deny to us the privilege of exercising the rights with which we came into the Constitution, in the manner in which we had exercised and were exercising them when the Constitution was formed. It would be in effect to say to us, we will allow you to hold slaves, if you will keep them within your present limits; but in the future acquisitions which we make of territories, by our joint and equal efforts, even of such as are fitted to your own peculiar kind of labor, *hands off*—slavery shall never be extended with our consent; the banner of this free Republic shall never wave over another slave State, whether it were originally free or slave. If this proposition had been made to our fathers in that Convention, what think you would have been their answer? I will not trust myself to express it. Do you believe that this Constitution would have been formed under such circumstances?"

Now, sir, it seems to me that an all sufficient answer to this question is to be found in the fact that the Constitution was formed under precisely the circumstances on which he speculates. Under what circumstances was the Constitution formed, sir? Why, every inch of territory which the States then owned was subject to this very prohibition! Every inch of territory by that provision of the Continental Congress, ratified by the first Congress under the Federal Constitution, was subjected to the inhibition of slavery, and was carved out to be admitted into the Union as five free States. The Senator's question, therefore, has a historical answer. They not only would have entered the Confederation with such a prohibition, but they actually did enter it under just such a state of facts as the question presupposes. So much for the "equilibrium" in this point of view.

In another part of his speech the Senator from South Carolina says, that, next after the Ordinance of 1737, the Missouri Compromise, and the Oregon bill, among the causes which have produced discontent at the South is the system of revenue and disbursements adopted by the Government. He says:

"The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection—that is, intended to put money, not in the treasury, but directly into the pocket of the man-

ufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population, by attracting emigration from all quarters to that section.

"This, combined with the great and primary cause, amply explains why the North has acquired a preponderance over every department of the Government, by its disproportionate increase of population and States."

I think it well for the Senator that he did not undertake to show that, for he knows that the duties fall upon and are paid by the consumers, be they where they may. A State, therefore, which has a population ten times greater than that of another State, and consumes imports in that proportion, pays ten times more revenue. No matter where the imports go, those who consume them pay the duties upon them. Go into the manufacturing towns and villages, where they consume a large amount of sugar and other dutiable articles, do they not pay the duty on their importation? And is not the fact true always, that it is the consumer, wherever he may be, who pays the duty? Sir, the fact is undeniable.

The Senator undertakes to show that by far the greater portion of our revenue has been disbursed at the North, or more than its due share. Now, sir, that struck me as the most bold assertion in the whole speech. Is all history, sir, to be set at naught in this matter? The disbursements greater at the North than in the South! Why, sir, in the State in which I live, aside from the expenses of collecting the revenue, not \$50,000 of the public money has been spent in fifty years. No, sir, the expenditures of the Government are not made there; the officers of the Government do not come from the North, nor are the great contracts made there. What is it that consumes one-half, ay, three-fourths, of your revenue, but the army and the navy, and where is it expended? Why, where your Indian wars occur, your Seminole and Creek wars—in the Southern, and not in the Northern portion of these States. Why, sir, the idea that an undue proportion of the money collected by the General Government has been disbursed in the Northern States, is, to say the least, one in as direct opposition to the truth of history as any statement which could possibly be made. A friend has collected for me some statistics showing the expenditures of the Government, one item of which I will refer to, which is well calculated to show the proportion between the free and the slave States. By the returns of the Post Office Department for the year 1847, it appears that there was collected in the fifteen free States, by way of postage, a sum exceeding the expenses of the Department in these States for that year by \$576,000, while there was a deficiency to the same amount in the slave States. Thus there was a direct tax collected in small sums from the North, to the amount of over \$500,000 in one year, for that single Department of Government; and I apprehend that if the other Departments were examined, it would be found that the Post Office was in fact the one under which the North suffered least. Why, in our little State of New Hampshire, there is a direct tax for postage to the amount of over \$15,000. The revenue collected there for postage in that year was \$40,630, and the expenditures \$25,500, leaving us with a direct tax of \$15,130 for that year! And, sir, it cannot be said that these letters were received from commercial correspondents, because we have no great commercial emporium in the State. No, sir, this tax is collected from those manufacturing operatives of whom mention is sometimes made here. It is a tax on the affections of the human heart, on filial love and reverence, on correspondence with parents, children, and friends, and it is collected from the hard-working men and women of the North, for the support of this Government. Yet we do not complain of it;

but in the face of all this it is rather hard to be told that our prosperity is all owing to the undue amount of Government expenditures made in the Northern States. Why, sir, it would be a curiosity in the part of the country in which I live to hear of the expenditure among them of a dollar of the money of the General Government, over and above just what is necessary to collect the revenue to be spent elsewhere. So much for this subject.

Again, says the Senator from South Carolina :

"If to this be added, that many of the duties were imposed, not for revenue, but for protection—that is, intended to put money, not in the treasury, but directly into the pocket of the manufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty, but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section."

Now, sir, let us examine this point. It is the tariff, then, that has done injury to the South, and produced discontent there. Now, I have been at some little pains to examine the history of the various tariffs, and our revenue policy, and I find that the first tariff act was passed on the 4th of July, 1789, and the preamble to it is in the following words :

"Whereas it is necessary, for the support of Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise, imported."

The yeas and nays were not taken on the bill in either House. The next year the duties were largely increased, and I think in some instances that they were doubled, and the bill for that purpose passed the House of Representatives, yeas 40, nays 15; and as a curiosity I will read the votes of the States on that measure :

	Yeas.	Nays.		Yeas.	Nays.
New Hampshire	2	1	Delaware	1	0
Massachusetts	0	8	Maryland	3	2
Connecticut	3	2	Virginia	7	0
New York	4	1	North Carolina	5	0
New Jersey	2	0	South Carolina	3	1
Pennsylvania	7	0	Georgia	3	0
				40	15

The tariff remained substantially as it was established by the act of 1790— with the exception of the acts passed during the war, which were considered as war measures—until 1816. I have not got the precise date when that act was approved, but I think it was in April, 1816. Then the war was over, and it became necessary to abandon the war acts passed during its prosecution, and to settle down on something like a permanent policy, and a tariff act was passed. It passed the House of Representatives, yeas 88, nays 54; and as the yeas and nays upon it are somewhat interesting, I will read them by States :

	Yeas.	Nays.		Yeas.	Nays.
New Hampshire	1	3	Maryland	2	5
Massachusetts	7	4	Virginia	7	13
Rhode Island	2	0	North Carolina	0	11
Connecticut	2	2	South Carolina	4	3
Vermont	5	1	Georgia	3	3
New York	20	2	Kentucky	6	11
New Jersey	5	0	Tennessee	3	12
Pennsylvania	17	3	Ohio	4	0
Delaware did not vote.			Louisiana	0	1
				88	54

And among the yeas on the passage of that bill stands recorded the name of JOHN C. CALHOUN, one of the Representatives from South Carolina. That was in 1816. The tariff policy of the country continued without material alteration until 1824, when another bill on the subject passed the House, yeas 107, nays 102. South Carolina then changed front on the question. But I wish to call the attention of the Senate to the vote of New England on the sub-

ject, because she has been considered the greatest sinner in regard to it. Her vote on the tariff was yeas 15, nays 23, as follows :

	Yeas.	Nays.		Yeas.	Nays.
Maine	1	6	Connecticut	5	1
New Hampshire	1	5	Rhode Island	2	0
Massachusetts	1	11	Vermont	5	0
				15	23

And such had been the uniform policy of that portion of the country. But the history of the tariff acts that have been passed show that the Northern States have generally objected to them, and that too against the power and the eloquence of the Senator from South Carolina, in 1816, in the House. And when this policy was forced on New England, and forced on her too by Southern votes, against her own wishes, then, sir, the genius, the enterprise, and the industry of her people began to accommodate themselves to that state of things, and because she flourished under it, it is made a charge against her, and forms the next point in the indictment against the North for disturbing the equilibrium between the sections.

Another evil of which the Senator from South Carolina complains, is as follows, to use his own language :

"But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; that it proceeded, almost without interruption, step by step, until it absorbed virtually its entire powers; but without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

"That the Government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power she claims against all opposition, is equally certain."

His charge is, that this Government has changed gradually from a federal republic to a consolidated democracy. Who has done it? From the very adoption of the Constitution down to the present time, what counsels have prevailed? Northern or Southern? Who have been the Presidents of the United States? Northern men or Southern men? Again, with reference to the action of the Supreme Court, who have been on the bench of that court? History will show that there has been no time when you would trust Northern men there, so as to constitute a majority. Though a man may have crept to the foot of power in the most abject manner, the North could never be trusted so far as to have her citizens constitute a majority on the bench of that court. There has always been a majority of Southern men on that bench; and I say, sir, that the South has always controlled the policy of this Government. I think the honorable Senator from Kentucky was magnanimous enough the other day, in his speech, to acknowledge this. Not only the legislative but the judicial power has always been in the hands of the South. If the question was asked to-day, of the most ordinary or the most astute observer of passing events, who it is of all men that has had the most to do to control and shape the policy of this Government, and make it what it is, the answer would be that it is the honorable Senator from South Carolina, [Mr. CALHOUN,] who makes this charge. Did he not tell us, with the modesty which always belongs to him, and with the honesty and truth which characterize him, that he more than any other man effected the acquisition of Texas to this country? He was then a private citizen. If he could, in perfect consistency with historical truth, say that he more than any one else effected that great act, by which that country was annexed and made a part and parcel of our own, what must have been his influence while he occu-

pled a seat in the other House in the pride of his power, or when for eight years he was at the head of the Department of War, and for six years filled the chair which you now occupy, if he could thus control public policy in his retirement? No, sir, great and commanding as has been the influence of other gentlemen in the councils of this nation, if there be any one man who has stamped upon its character and features the impress of his thoughts and purposes, that man is the honorable Senator from South Carolina, who addressed the Senate the other day on this subject. But now he comes in and files a bill of indictment against the North for doing that which all along they have resisted and remonstrated against.

The next part of the speech to which I wish to direct attention is the assertion that—

"Nevertheless, as small and contemptible as the party then was, both of the great parties of the North dreaded them. They felt that, though small, they were organized in reference to a subject which had a great and commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring their petitions. The effect was that both united in insisting that the petitions should be received, and that Congress should take jurisdiction of the subject for which they prayed."

And speaking on the subject in another part of the speech, on the 8th page, he says:

"And Congress is invoked to do all this expressly with the view to the final abolition of slavery in the States. That has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the abolitionists, have co-operated with them in almost all their measures."

If I understand this, sir, it is a distinct avowal that the abolition movement has been received with public favor from the commencement, by both parties, in both Houses of Congress, from the North, and at home. I undertake to say that a declaration more at war with the truth of history could not possibly be affirmed in language. The Abolitionists, instead of being received with public favor at the North, by either party, have been denounced in every possible form in which language could denounce them. The meetings which they have holden in public places have been broken in upon by lawless mobs. They have been driven from the places where they had assembled for the exercise of a constitutional right, and to such an extent had this spirit progressed, that the buildings in which they had assembled, and had been peaceably exercising the rights of citizens, under the Constitution, have been, in at least one instance, burnt to the ground by a mob. I don't refer to these matters for the purpose of re-opening any wounds that may have been healed up by the soothing influence of time, but I do contend that, if the Senate means to do justice, and the country means to do justice, it is necessary and right that the truth upon this subject should be made known.

Sir, there never has been a sect that has arisen since the Christian era, that has been met at every turn, on every hand, on every side, and by all parties, with more bitter, violent, unrelenting persecution, than these same Abolitionists have been. Instead of growing up by the public favor of the North, they have grown up in spite of the most determined opposition. They have lived upon persecution; persecution and denunciation have been everything which they have had. And, sir, to show that upon this matter I do not speak without book, I will refer in the first place, to the proceedings of Congress on this subject. I will show how far it is true, in reference to the House of Representatives, that both parties from the North have united in receiving their petitions and taking jurisdiction of the subject. The year 1835 is the time which is assigned as the commencement of this agitation; the time at which both parties at the North united in giving them public favor; the time at which both parties in Congress

united in insisting that Congress should take jurisdiction of the subject, and that the petitions of the Abolitionists should be received. It will be found, sir, that in the House of Representatives, on the 8th day of February, 1836, Mr. Pinckney introduced the following resolution:

"Resolved, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, (Mr. Jarvis,) with the amendment thereto proposed by an honorable member from Virginia, (Mr. Wise,) together with every other paper or proposition that may be submitted in relation to the subject, be referred to a select committee, with instructions to report:

"That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy; and

"That, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union—assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding States and of the people of this District, and to restore harmony and tranquillity amongst the various sections of this Union."

That resolution passed the House by a vote of yeas 167, nays only 6. That committee reported, and they reported three resolutions:

1. "Resolved, That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this Confederacy.

2. "Resolved, That Congress ought not to interfere, in any way, with slavery in the District of Columbia.

"And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following resolution, viz:

3. "Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way or to any extent whatever to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

1. Passed: Yeas 132, nays 9.

2. Passed: Yeas 132, nays 45.

3. Passed: Yeas 117, nays 68.

2d session, 24th Congress, page 237.

JANUARY 18, 1837.

"Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or to the abolition of slavery, shall, without being printed or referred, be laid upon the table, and that no further action shall be had thereon."

Passed: Yeas 129, nays 69.

Mr. Patton's Journal H. R., 2d session, 25th Cong., p. 127.

DECEMBER 21, 1837.

"Resolved, That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves, in any State, District, or Territory of the United States, be laid upon the table, without being debated, printed, read, or referred, and that no further action, shall be had thereon."

Passed: Yeas 122, nays 74.

3d session, 25th Congress, page 51.

DECEMBER 11, 1838.

1. "Resolved, That this Government is a Government of limited powers; and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy.

2. "Resolved, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of the plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

3. "Resolved, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the right of the States affected, and a breach of the public faith on which they entered into this Confederacy.

4. "Resolved, That the Constitution rests upon the broad principle of equality among the members of this Confed-

eracy; and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

5. "Resolved, therefore, That all attempts, on the part of Congress, to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the country and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principles on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way or to any extent whatever to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table, without being debated, printed, or referred."

1. Passed: Yeas 198, nays 6.

2. Passed: Yeas 136, nays 65.

1st member of 3d resolution passed: Yeas 170, nays 30.

2d member of 3d resolution passed: Yeas 164, nays 39.

1st member of 4th resolution passed: Yeas 182, nays 26.

2d member of 4th resolution passed: Yeas 174, nays 26.

1st member of 5th resolution passed: Yeas 149, nays 52.

2d member of 5th resolution passed: Yeas 128, nays 78.

Journal H. R., 1st session, 26th Cong., page 224.

JANUARY 28, 1840.

"No petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Rule adopted: Yeas 114, nays 108.

That is the action of the House; the action of the Senate has been, if possible, more decided, because they have uniformly refused to receive petitions addressed to them upon this subject to this day.

In January, 1838, the Senate, on motion of the Senator from South Carolina, [Mr. CALHOUN,] passed several very stringent resolutions against the movements of the Abolitionists, one only of which I will read to the Senate, as a fair specimen of the whole:

"Resolved, That this Government was instituted and adopted by the several States of this Union as a common agent in order to carry into effect the powers which they delegated by the Constitution for their mutual security and prosperity; and that, in fulfillment of this high and sacred trust, this Government is bound so to exercise its power as to give, as far as may be practicable, increased stability and security to the domestic institutions of the States that compose the Union, and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions."

Such, sir, was the manner in which both parties united, in the language of the Senator from South Carolina, "in insisting that the petitions should be received, and that Congress should take jurisdiction of the subject for which they prayed."

Now, sir, I want to call the attention of the Senate to the manner in which this movement was received by the people at the North. I have, at some trouble, looked up the necessary documents, to show how they were received by the people at large.

"Meetings of the people have been held in nearly all of the chief cities and towns in the Northern States, at which the proceedings of the abolitionists were rejected and disavowed with great unanimity and much zeal"—*Niles's Register*, October 3, 1835.

These meetings, as will be seen by the papers of the day, were held at New York, Boston, Albany, and the other principal places in the free States. Of the character of the resolutions passed at Albany, the *Richmond Enquirer* said:

"Amidst these proceedings we hail with delight the meeting and resolutions at Albany; they are up to the hub; they are in perfect unison with the rights and sentiments of the South; they are divested of all the metaphysics and abstractions of the resolutions of New York; they are free from all qualifications and equivocation; no idle denunciation of the evils of slavery, no pompous assertions of the right of discussion; but they announce in the most unqualified terms that it is a Southern question, which belongs, under the Federal compact, exclusively to the South; they denounce all discussions upon it in the other States, which, from their very nature, are calculated to inflame the pub-

lic mind, and put in jeopardy the lives and property of their fellow-citizens, as at war with every rule of moral duty and every suggestion of humanity; and they reprobate the incendiaries who will persist in carrying them on as disloyal to the Union."

I will not weary the Senate by reading reports of such meetings holden in the principal cities and towns of the North. The papers of that day contain abundant evidence to satisfy the most incredulous. But all this did not satisfy the South; they demanded that the Abolitionists should be put down by law in the free States. The (newspaper) Southern Patriot said:

"Let the declaration that discussions which from their nature tend to inflame the public mind and put in jeopardy the lives and property of our fellow-citizens, and are at war with every rule of moral duty and every suggestion of humanity, be only embodied in some legislative act, with appropriate penalties, and the South seeks no higher and better security."

A city meeting at New Haven, Connecticut, was held September 10, 1831, called by Dennis Kimberly, Mayor of New Haven, to consider a plan for the establishment in that city of a college for the education of colored youths; at which meeting it was—

"Resolved by the Mayor, Aldermen, Common Council, and Freemen of the city of New Haven, in city meeting, assembled, That we will resist the establishment of the proposed college in this place by every lawful means."

"March, 1833.—Town meeting at Canterbury, Connecticut, in reference to Miss Crandall's school for females of color. Resolutions were passed expressing the most decided determination that the school should not be established in that town."

"May 24, 1833.—Act passed by the Legislature of Connecticut prohibiting schools for colored persons from other States. (In 1835, a petition to the Legislature for the repeal of this act was rejected.)"

"June 27, 1833.—Miss Crandall was imprisoned in Brooklyn, Connecticut, on the charge of having taught persons of color from out of the State."

"September 30, 1833.—An assault was made on Miss Craudall's house, while a clergyman was holding a religious meeting there. Rotten eggs and other missiles were thrown at the windows."

"The well of the house on another occasion was filled with filth, &c."

"A newspaper in Connecticut says: 'The committee of the First Ecclesiastical Society in Canterbury have seen proper to prohibit the scholars of Miss Crandall's school from attending Divine worship in the meeting-house on Canterbury green.'"

There was no other meeting-house within three miles.

"May 27.—The Mayor and Aldermen of Boston rejected an application of 125 citizens for the use of Faneuil Hall, for the purpose of holding a meeting in which to plead the cause of the slaves."

"August 10, 1835.—Canaan Academy, New Hampshire, was drawn off by a mob, for the crime of admitting colored youths."

"August 10, 1835.—Disturbance at Worcester, Massachusetts. While the Rev. Orange Scott was lecturing on slavery, some individuals tore up the lecturer's notes, and offered violence to his person."

"September 17, 1835.—A gallows was erected in front of Mr. Garrison's, in Brighton street, Boston, with this inscription: 'By order of Judge Lynch.'"

"July 4, 9, 10, and 11, 1835, the Abolitionists were mobbed in New York. Churches and stores were broken into and injured, and the dwelling-houses of several Abolitionists were mobbed. The furniture of one was burnt in the street. The persons of Abolitionists were threatened. Both political parties joined in the outrage."

"These mobs were instigated by the press and pro-slavery public meetings. The clergy did not discountenance the proceedings that led to them. Chancellor Walworth (Dem.) and Chancellor Frelinghuysen (Whig) made speeches at a public meeting against the Abolitionists, and popular clergymen ridiculed the 'fanatics.'"

"During the mobs, a whole division of troops was under arms. The mob ruled the city for several days, and was finally dispersed by the authorities acting efficiently, when it was understood that, tired of mobbing Abolitionists, the mob was turning its attention to the Banks in Wall street."

"An Anti-Slavery Convention, held at Utica, New York, October 21, 1835, in the Baptist meeting-house, was mobbed by the citizens of Utica, headed by a committee of twenty-five, composed of prominent members of both political parties appointed at a meeting held at the court-house."

"At a meeting in the court house, a prominent individual justified in express words the gross violation of the law at Charleston, South Carolina. 'These occasions,' said he, 'will find a law for themselves. I go for revolution when it is necessary.'

"Adverting to the sending Abolition publications to the South, he remarked: 'If other means will not do, the mail should be blocked up on that subject.'

"At a public meeting of the citizens, a resolution was passed that the community *will not submit to the indignity of an Abolition assemblage being held in a public building in this city.*

"The mayor of the city, the first judge of the county, the county clerk, the postmaster, the district clerk, and other prominent citizens of both political parties, took part in the meeting, and most of them were of the committee of twenty-five, and the judge, postmaster, &c., retained their offices. While the Convention was in session, the chairman of the committee of twenty-five, followed by a mob of five hundred, entered the meeting house, interrupted the proceedings, demanded that it should break up and disperse, which was done.

"The Abolitionists went through the mud thirty miles to Peterborough, where they resumed business in the village church.

"October 21, 1835.—The very day of the mob at Utica, New York, a mob of five thousand 'gentlemen of property and standing' assembled in Washington street, Boston, in broad daylight, which succeeded in demolishing signs, books, doors, &c., dispersing a Female Anti-Slavery Society, and attacking the editor of the *Liberator*, Mr. Garrison."

The Boston Atlas thus describes this mob:

"He was found crouched under a pile of boards in a second story of a carpenter's shop, and here he surrendered at discretion. A rope was fastened under his arms and about his neck, and he was let down, by means of a ladder, to the ground; his countenance was pale and convulsed with terror, and he made no attempt to speak or to resist. There was a very general exclamation of 'don't hurt him,' and two individuals seizing him on each side by the collar, he was conducted through the lane into State street, and from thence hurried into the Mayor's office in the City Hall."

The Boston Gazette thus describes this mob:

"We never before saw so gentlemanly a *rabble*, if *rabble* it may be called, as that assembled yesterday; they opened to the right and left in the greatest possible order when a female attempted to pass in or out; not only so, but when a procession of ten or a dozen *black ladies* made known their wish to be admitted, the same was done for them, without the slightest token of disapprobation being manifested. It was, in fact, a meeting of gentlemen of property and standing from all parts of the city, who were disposed, and still are determined, at all hazards, and come what may, to preserve the peace of the city from all domestic incendiaries, as well as to protect the Union against foreign interference."

In 1836, Elijah P. Lovejoy removed the St. Louis Observer to Alton, Illinois. Mr. L. discussed the question of slavery. Meetings were held, and resolutions were passed, calling upon him to desist; they forbade him to utter his sentiments on that subject in *any manner*. Mr. Lovejoy refusing to recognise the inquisitorial authority which his fellow-citizens had assumed, his press and type were destroyed by a lawless mob. Another press and type were procured, which, on the day of its arrival at Alton, was forcibly taken from the warehouse in which it was placed by order of the Mayor, broken to pieces, and thrown into the Mississippi. The mayor arrived while the lawless work was going on, and ordered them to disperse; they replied that they would do so as soon as they got through. A few days subsequent to this, Mr. Lovejoy was assailed by a mob, and rescued from their hands only by the heroic interference of his devoted wife. On every side, his ears were assailed by the most fiendish threats, and his steps were dogged by remorseless foes, who had bound themselves under curses to take his life. His family was threatened, his house frequently assailed, and night after night his wife driven from a sick bed into the garret, to save her life from the brickbats and from the violence of the mob. Three presses had been destroyed, and a fourth was procured, which, under the superintendence of the mayor, was stored away in a warehouse on the 7th of November, 1837. In the evening, the warehouse was

stormed with stones, pistols, and muskets, windows were broken in, and the building was fired. Among those of the defenders who sallied forth to extinguish the flames was the lamented Lovejoy, who was shot at by one of the ruffians, and deliberately murdered. To escape the devouring flames, the rest of the defenders abandoned the building, and were fired upon as they fled. The press and type were thrown into the river.

In 1836, the press of the Philanthropist was established at Cincinnati, with a view to the promulgation of anti-slavery sentiments. In January, an immense meeting of citizens of all parties was held at the court-house, over which the mayor presided. A committee was appointed of leading men of the city, to draught resolutions expressive of the sense of the meeting against the discussion of the slavery question. The resolutions reported took the strongest ground against the agitation of the subject of slavery in every form, denounced the Abolitionists, and called upon the citizens to exclude the Philanthropist, the Abolition organ, from their houses. In July of the same year, a mob, headed by young men belonging to the wealthy families, at midnight broke into the printing office of the Philanthropist, and destroyed its press. A new one was forthwith set up. Another mob, a few weeks later, encouraged by the leading men of both parties, assembled at sundown, broke into the Anti-Slavery Depository, made a bonfire of its publications, broke into the printing office, pulled down the press, dragged it to the Ohio river, and threw it in; after which, it instituted a search for several prominent Abolitionists, for the purpose of tarring and feathering them. The press was re-established; but in 1840 another mob, which held possession of the city for three days, assailed the office, tore down two printing presses, dragged them in the face of the military through the main street to the river, in which they precipitated them. Against all this violence, and the hostile sentiment out of which it grew, the Anti-Slavery men contended, until the public opinion of the city was changed, and the liberty of speech and of the press completely established; and there is now no large city in the Union in which the Anti-Slavery sentiment is more decided and more controlling.

These are but a few specimens, out of hundreds with which the records of that day are filled, of the manner in which Abolitionism was received by the Northern people. Every principle of law, and every safeguard of property, and every propriety of civilized society, were violated by both parties at the North to put down this movement. And, sir, they vied with each other to see who might go the farthest; and the men that said the severest things, and who did the severest things against the Abolitionists, were those who supposed they were commending themselves most to public favor. And yet, sir, in the face of this undoubted history of the facts of the case, it is now asserted that they were received with favor by both parties at the North, and that both parties did their bidding. It has been charged against the Abolitionists, also, again and again, that throughout this movement they were sending emissaries to the South, preaching insurrection to the slaves. In 1835, when this movement first started, it is due in justice to the Abolitionists to say, that they disavowed it in the most solemn manner, and have continued to disavow it from that day to the present, although the assertion is repeated here almost every time that any gentleman has occasion to speak upon this subject. The facts are, that from the time when this movement first had its origin at the North, down to the present time, these same Abolitionists have disavowed any such intention. I read, sir, an extract from the authorized exposition of the views of that society, made in 1835, and signed by all their officers:

"In behalf of the American Anti-Slavery Society, we solicit the candid attention of the public to the following declaration of our principles and objects:

"1. We hold that Congress has no more right to abolish slavery in the Southern States than in the French West India Islands. Of course we desire no national legislation on the subject.

"2. We hold that slavery can only be lawfully abolished by the Legislatures of the several States in which it prevails, and that the exercise of any other than moral influence to induce such abolition is unconstitutional.

"3. We believe that Congress has the same right to abolish slavery in the District of Columbia that the State Governments have in their respective jurisdictions, and that it is their duty to efface so foul a blot from the national escutcheon.

"4. We believe that American citizens have the right to express and publish their opinions of the Constitution, laws, and institutions of any and every State and nation under heaven; and we mean never to surrender the liberty of speech, of the press, or of conscience—blessings which we have inherited from our fathers, and which we intend, as far as we are able, to transmit unimpaired to our children.

"5. We have uniformly deprecated all forcible attempts, on the part of the slaves, to recover their liberty; and were it in our power to address them, we would exhort them to observe a quiet and peaceful demeanor, and would assure them that no insurrectionary movements on their part would receive from us the slightest aid or countenance.

"6. We would deplore any servile insurrection, both on account of the calamities which would attend it, and of the occasion it might furnish of increased severity and oppression.

"7. We are charged with sending incendiary publications to the South. If by the term incendiary is meant publications containing arguments and facts to prove slavery to be a moral and political evil, and that duty and policy require its abolition, the charge is true. But if this charge is used to imply publications encouraging insurrection, and designed to excite the slaves to break their fetters, the charge is unequivocally false. We beg our fellow-citizens to notice that this charge is made without proof, and by many who confess that they have never read our publications; and that those who make it offer to the public no evidence from our writings in support of it.

"8. We are accused of sending our publications to the slaves; and it is asserted that their tendency is to excite insurrections. Both the charges are false. These publications are not intended for the slaves; and were they able to read them, they would find in them no encouragement to insurrection.

"9. We are accused of employing agents in the slave States to distribute our publications. We have never had one such agent. We sent no packages of our papers to any person in those States for distribution, except to five respectable resident citizens at their own request. But we have sent by mail single papers, addressed to public officers, editors of newspapers, clergymen, and others. If, therefore, our object is to excite the slaves to insurrection, the masters are our agents."

That is the exposition which they put forth in 1835, when this excitement first began. These sentiments have been reiterated nearly every year from that time to this; and, as far as I know anything of the movements of this organized society, they have religiously and scrupulously lived up to them. I have yet to see the first resolution they have passed, the first line they have printed, in contradiction or contravention of this platform, thus laid down in 1835.

What was the state of feeling at the South at that time, when this body was so small and contemptible? I want to read a few resolutions passed in South Carolina in the year 1835, to show who was getting up excitement. At a meeting of St. James's and St. George's Parishes, South Carolina, they—

"Resolved, (unanimously,) That should the non-slaveholding States omit or refuse, at the ensuing meetings of their respective Legislatures, to put a final stop to the proceedings of their abolition societies against the domestic peace of the South, and effectually prevent any further interference by them with our slave population, by efficient penal laws, it will then become the solemn duty of the whole South, in order to protect themselves and secure their rights and property against the unconstitutional combinations of the non-slaveholding States in the murderous designs of their abolitionists, to withdraw from the Union."

There was the issue presented in 1835. If the non-slaveholding States did not pass penal laws to put down the Abolitionists in 1835, it was the solemn duty of the Southern States, according to these resolutions passed in South Carolina, to withdraw

from the Union. Well, sir, I have in my hand another remarkable paper, taken from the Charleston *Mercury*, published about the same time, headed the "Crisis." This paper says:

"The proper time for a convention of the slaveholding States will be when the Legislatures of Pennsylvania, Massachusetts, and New York, shall have adjourned without passing laws for the suppression of the abolition societies. Should either of these States pass such laws, it would be well to wait till their efficacy should be tested. The adjournment of the Legislatures of Northern States without adopting any measures to put down Garrison, Tappan, and their associates, will present an issue which must be met by the South, or it will be in vain for us ever after to attempt anything further than for this State to provide for her own safety by defensive measures of her own. If the issue presented is to be met, it can only be done by a convention of the aggrieved States; the proceedings of which, to be of any value, must embody and make known the sentiments of the whole South, and contain the distinct annunciation of our fixed and unalterable determination to OBTAIN THE REDRESS OF OUR GRIEVANCES, be the consequences what they may.

"We must have it clearly understood that in framing a constitutional Union with our Northern brethren, the slaveholding States consider themselves no more liable to any interference with their domestic concerns than if they had remained entirely independent of the other States; and that, as such an interference would, among independent nations, be a just cause of war, so among members of such a Confederacy as ours, it must place the several States in the relation towards each other of open enemies. To sum up in a few words the whole argument on this subject, we would say that the abolitionists can only be put down by legislation in the States in which they exist, and this can only be brought about by the embodied opinion of the whole South, acting upon public opinion at the North, which can only be effected through the instrumentality of a convention of the slaveholding States. For this we believe the public mind is not yet prepared, especially in our sister States."

That was to be the time for the Convention. If the Legislatures of Massachusetts, Pennsylvania, and New York, then in session, adjourned without passing laws to put down abolition societies, then the time for a Southern Convention had come. Mark the expression, "should either of these States pass such laws, it would be well to wait till their efficacy can be tested."

Now, sir, was the South arrayed against Tappan, Garrison, and the societies designated in the speech of the Senator from South Carolina as "small and contemptible?" If the Legislatures of Massachusetts, Pennsylvania, and New York, did not come to their rescue, it was time for a convention of the slaveholding States.

"For this we believe the public mind is not yet prepared, especially in our sister States."

"Not yet prepared." There was something to be done to prepare the public mind for it. "We believe the public mind is not yet prepared in the sister States." It seems that the public mind was pretty well prepared in South Carolina, but something was to be done to prepare the sister States; and, in this connexion, it seems to me that the letter which I read yesterday has a most pregnant and significant meaning. Mr. CALHOUN, writing to Duff Green, says:

"Since you passed through the South, the excitement in relation to the Northern fanatics has greatly increased." &c.

How far short of disunion was the remedy to be found? Why, if they could be so far prepared as to put a certain man at the head of the Union, would they stop thus far short of disunion? That was the meaning of it. But the thing was not then "prepared" in the sister States; though, I suppose, the gentlemen who thought the sister States not sufficiently prepared fifteen years ago, suppose they have got them pretty well prepared by this time.

The Senator from South Carolina, speaking of the anti-slavery agitation at the North, says, "which, as is now acknowledged, has endangered the Union." Now, sir, that is not the case. The Union was safe enough, the public mind was safe enough, fifteen years ago. I hold in my hand a newspaper called

the *Union*, published in this city the 14th of February last; and this editor, who, I suppose, will be admitted to be good authority on the subject, says:

"The following fact stands out prominently in the history of parties in New Hampshire, viz: that before the annexation of Texas and the treason of John P. Hale to the Democratic party, (which act of treachery he sought to justify on the pretext of opposition to the admission of Texas,) that party was free from all taint of abolition or free-soilism as the Democracy of Virginia. They opposed all agitation of the slavery question, and they opposed the abolitionists in every form."

Now, sir, you have this declaration coming from this source—one that will not be disputed—that up to the annexation of Texas in 1845 there was as little Abolitionism and Free-Soilism in New Hampshire, as in Virginia herself. And if the same be true of New Hampshire, it is true of all the Northern States generally, so far as anything affecting the public councils are concerned. But at that time what did the North see? They saw then the proposition, clearly and unblushingly put forth, that the whole purposes and energies of the Government must be brought to bear for the purpose of strengthening and sustaining the institution of slavery. The following is the announcement that was made by the Secretary of State:

"A movement of this sort [abolition of slavery in Texas] cannot be contemplated by us in silence; such an attempt upon any neighboring country would necessarily be viewed by this Government with deep concern; but when it is made upon a nation whose territories join the slaveholding States of our Union, it awakens a still more solemn interest; it cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of our country. The establishment in the very midst of our slaveholding States of an independent Government, forbidding the existence of slavery, and by a people born for the most part among us, reared up in our habits and speaking our language, could not fail to produce the most unhappy effects upon both parties."

This, sir, is the great secret of the opposition to the admission of California. It is because they are people who accord with us in their hearts and speak our language, and have forbidden the existence of slavery among them. After the announcement to which I have referred of the Secretary of State, Mr. Upshur, the Government went to work and negotiated a treaty of annexation. I think it is wrong, however, to say of annexation—that Texas was annexed to the United States. It is not so; the United States were annexed to Texas, as the matter was consummated. Texas applied to us for annexation. Messrs. Van Buren and Forsyth believed they had not the right to do it consistently with national faith, and they rejected it.

Then we applied to Texas, and she rejected us; and then a second time we asked Texas to take us, and she consented to do so; and I therefore protest in the name of justice against calling it annexation to the United States. Texas stood off, and we went to her a second time, and she took us, and the avowal we made to induce them to do it was, that we could not maintain and defend our institutions unless they came to our rescue. The communication of Mr. Calhoun to Mr. Green, the American Charge to Mexico, communicating the annexation of April 19, 1844, says:

"And, in the next place, that the step was forced on the Government of the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery there. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States and the Union itself. Seeing this, the Government has been compelled, by the necessity of the case and a regard to its constitutional obligations, to take the step it has, as the only certain and effectual means of preventing it."

That was the doctrine advanced by Mr. Calhoun in his letter to Mr. Green, and the same doctrine was insisted on in his letter to Mr. Pakenham, the

British Minister, which I will not trouble the Senate with reading. The letter is dated the 18th of April, 1844, and declares, in effect, that measures must be taken to prevent abolition in Texas, to guard against the injurious effect on us. It was the avowal of these sentiments by the General Government, thus boldly and unblushingly made, and the declaration of Mr. Calhoun that unless those efforts should succeed it would involve the whole country, and not the slaveholding States alone, in great calamity, that awakened and aroused the public sentiment at the North. They saw then the revolution about to be effected in the Government, and that, instead of quietly employing ourselves at home, we were seeking to strengthen our hands by the incorporation of foreign nations in this Union to sustain the institution of slavery.

Now, in connection with this subject of the annexation of Texas, I come to the recent speech of the Senator from Massachusetts, [Mr. Webster,] and I regret as much as any man being compelled to differ from the honorable Senator. But I have this consolation, that if I differ from the honorable Senator from Massachusetts in 1850, I agree with him in 1848. In a speech made by him in the Senate in 1848, the distinguished Senator from Massachusetts used this language:

"My opposition to the increase of slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to the lines of latitude or points of the compass. *I shall oppose all such extension and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitation of great interests, against all combinations, against all compromises.*"—Mr. Webster in the Senate, August 10, 1848."

I agree with that sentiment of his, however I may differ from some later things which he has said. I want now to call the attention of the Senate to some other remarks of the Senator from Massachusetts, made upon this subject in the Senate of the United States:

"Mr. President, there is no citizen of this country who is more kindly disposed toward the people of Texas than myself, from the time they achieved, in so extraordinary a manner, their independence from the Mexican Government. I have shown, I hope, in another place, and shall show in all situations and under all circumstances, a just and proper regard for the people of that country; but with respect to its annexation to this Union, it is well known that from the first announcement of any such idea, I have felt it my duty steadily, uniformly, and zealously to oppose it. I have expressed opinions and urged arguments against it everywhere and on all occasions in which the subject came under consideration, and could not now, if I were to go over the whole topic again, adduce any new views or support old views, so far as I am aware, by any new arguments or illustrations. My efforts have been constant and unwavering, but, like those of others, they have failed of success. I will, therefore, in a very few words, acting under the unanimous resolution and instructions of both branches of the Legislature of Massachusetts, as well as in conformity to my own settled judgment and full conviction, recapitulate before the Senate and before the country the objections which have prevailed, and which always will prevail with me, against this measure of annexation."

"In the third place, sir, I have to say, that while I hold, with as much integrity, I trust, and faithfulness as any citizen of this country, to all the original arrangements and compromises in which the Constitution under which we now live was adopted, I never could and never can persuade myself to be in favor of the admission of other States into the Union as slave States, with the inequalities which were allowed and accorded to the slaveholding States then in existence by the Constitution. I do not think that the free States ever expected or could expect, that they would be called on to admit further slave States, having the advantages, the unequal advantages arising to them from the mode of apportioning representation under the existing Constitution."

"Sir, I have never made an effort, and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangements, as originally made, by which the various States came into the Union; but I cannot avoid considering it quite a different question when a proposition is made to admit new States, and that they be allowed to

come in with the same advantages and inequalities which existed in regard to the old.

"Now, sir, as I have said, in all this I acted under resolutions of the State of Massachusetts—certainly concurring with my own judgment—so often repeated and reaffirmed by the unanimous consent of all men of all parties, that I could not well go through the series, affirming not only the impolicy, but the *unconstitutionality* of such annexation."

"Besides, experience shows us that things of this sort may be *springing* upon Congress or the people. It was so in the case of Texas. It was so in the twenty-eighth Congress. The members of that Congress were not chosen to decide the question of annexation or no annexation. They came in on other grounds, political and party, and were supported for reasons not connected with this question. What then? The Administration *sprung* upon them the question of annexation. It obtained a *snap* judgment upon it, and carried the measure of annexation."

"I think I see a course adopted which is likely to turn the Constitution of the land into a *deformed monster*—into a curse, rather than a blessing; in fact, a frame of unequal Government; not founded on popular representation, not founded on equality, but on the grossest inequality; and I think it will go on, or that there is *danger* that it will go on, until this Union shall fall to pieces."

"I resist it—to-day and always! Whoever falters, or whoever flies, I continue the contest. I know, sir, that all the portents are discouraging. Would to God I could auspicate good influences. Would to God that those who think with me, and myself, could hope for stronger support. Would that we could stand where we desire to stand. I see the signs are sinister. But with few or alone my position is fixed. If there were time, I would gladly awaken the country. I believe the country might be awakened; but it may be too late. But, supported or unsupported, by the blessing of God I shall do my duty. I see well enough all the adverse indications. But I am sustained by a deep and conscientious sense of duty. And while supported by that feeling, and while such great interests are at stake, I defy auguries, and ask no omen but my country's cause."

There, sir, is where the Senator from Massachusetts placed himself in 1848; the measure is unconstitutional, and it is a snap judgment. Now, I ask, can any man be bound by a snap judgment unconstitutionally obtained? And yet, sir, in answer to the question I proposed to him a few days ago, if he thinks that this joint resolution adopted by a majority of the two Houses of Congress imposed a contract upon us which was binding, he said that he does, and that we are bound in good faith to carry it out, and to admit four new slave States out of that territory by the force of the obligation imposed on us by those who passed the resolutions. I have nothing to say as to how that question will be met when it comes, and it is not very probable that I shall be in any public position to meet it when it does come up; but I undertake to say, for the present and hereafter, these resolutions impose no obligations on me whatever. I trust I shall always be ready to do justice to Texas, but no consideration of justice or anything else is imposed upon me by any obligation growing out of those resolutions.

It is true that by the Constitution Congress has the right to admit a State, but, because it can do that, it has no right to connect with that act a treaty with a foreign nation, out of which any obligation whatever can rest on this Government. It is claimed that Congress made a compact with Texas—it is put on that ground—and my answer to it is, that Texas and everybody else knew that Congress, when it undertook to make that compact, did what it had no power to do, and what it was expressly prohibited from doing. Did not the President and Secretary of State send the matter to the treaty-making power; and when it failed, did not the President and those who had the matter at heart, set aside the tribunal to which in the first instance they resorted, and then appeal to the two Houses of Congress, as I conceive, in derogation of the rights of the Senate, and in violation of its constitutional privileges? There is no obligation binding on my conscience growing out of such an act. I trust I feel as strongly as any Senator here the weight of every obligation which is imposed on an honorable or an honest man, but I do not consider that this subject addresses itself to me in any such capacity.

Well, sir, there are some curious coincidences

in relation to this Texas annexation. The Senator from Massachusetts, in that very patriotic speech for which he has been so much lauded that I cannot in anything in what I may say add to those laudations, and therefore will not attempt it—the Senator undertakes to charge on the Democracy of the North that they were governed by the purpose, in their support of the annexation of Texas, avowed by the Administration seeking it—and that was the desire to extend slavery. But the Senator from Illinois [Mr. DOUGLAS] says that it is not so, and he shows us the record as exhibiting the fact that every Northern man in Congress who spoke on the subject cast from him the proposition of the Administration, and took another broad, comprehensive, liberal, enlightened, patriotic, and Christian view of it, and supported it solely on these considerations. Well, sir, there have been some remarkable and most astonishing coincidences, and this surely is one of them. I remember reading in the Pickwick Papers of another equally remarkable one. Young Weller was relating the circumstance of his father being once engaged to take some voters in his coach to an election poll. While thus engaged, the committee on the other side met him and suggested to him that there was a dangerous place on the road, where the coach must certainly upset, at the same time insinuating a £20 note in his hand. And, said the son, in telling of the circumstance, one of the most extraordinary circumstances was, that when father got to the place, the coach actually upset, and the voters were all thrown into the ditch, and did not get to the polls to vote. Well, sir, it seems that in this transaction in regard to Texas there is a coincidence equally astonishing. The moment the Senator from South Carolina perceived the necessity of the annexation of Texas for the purpose of sustaining, strengthening, perpetuating, and rendering eternal the institution of human slavery, that moment the Northern Democracy, before opposed to it, opened their eyes, and saw it as a great and glorious national measure. Just at that moment did they see all this, and supported the measure, not for the reasons assigned by the Administration, but for other reasons of a very different character. This, in my judgment, is certainly one of the most remarkable and astonishing coincidences on record.

There is another, equally astonishing, on this side of the chamber, exhibited in the course of the honorable Senator from Massachusetts, who filed a *caveat* against anybody taking a patent out for the use of his thunder, and who avowed his determination to defend it at all times and on all occasions. At the very time this thunder becomes a little annoying in some quarters, and threatens to embarrass the Administration, the Senator discovers all at once that the laws of God take care of the Proviso, and that it wants nothing at our hands. Where were these laws of God when the Oregon bill was under consideration? Were not those laws in as full operation in 1848 as they are in 1850? Does not the law of God take care of the Proviso up to 49 degrees, as well as below 36 degrees 30 minutes? Or, sir, are the laws of God and the institutions of piety more potent under the present Administration than they were under the last? Then it was absolutely necessary to insert the Proviso into the Oregon bill; but now, that a new Administration has come in, and this thunder is very annoying and disturbing to them, all at once it is discovered that there is no sort of necessity for having any thunder at all, and that the laws of God take care of the whole question. And the Senator says he would not re-enact the laws of God. What would he do, then? Would he enact laws in repudiation and condemnation of the laws of God? All the laws we pass must be either in accordance with or against the Divine will. Have they not laws in Massachusetts against murder, stealing, and perjury? and, if so, what are they but the re-enactment of the laws of God? Yet the Sen-

ator declares he would not re-enact the laws of God. Well, sir, I would. And when he tells me that the law of God is against slavery, it is a most potent argument to my mind why we should incorporate it with any Territorial bill, and against leaving it out.

Well, sir, I will draw these remarks which I am making to a close. I will pass to another subject, the bill for the surrender of fugitive slaves. That is a *sine qua non*. We must have a bill to carry out those provisions. Great fault has been found with the remark of the honorable Senator from New York, [Mr. SEWARD,] that the obligations which we owe to the Creator of all the earth are greater than those we owe to the Constitution. I do not stand up to take care of or defend the remarks of the Senator from New York, because he can do it better than I can do it.

But, however strong the Senator from New York may have made his position, however he may have said that the Constitution should be set aside when the laws of God contravene, he fell very far short of the position assumed by high authority laid down on this subject about the year 1835.

I will now read an extract from a letter written by Amos Kendall, then Postmaster General, to the postmaster of Charleston, in reference to the opening of packages in the mail. He says:

"The Postmaster General has no legal authority to exclude newspapers from the mail, nor prohibit their carriage or delivery, but I am not prepared to direct you to forward or deliver the papers of which you speak. By no act or direction of mine, official or private, could I be induced to aid knowingly in giving circulation to papers of that description, directly or indirectly. We owe obligation to the laws, but a higher one to the communities in which we live; and if the former be perverted to destroy the latter, it is patriotism to disregard them."

Now, sir, where is the fanaticism of the Senator from New York? Why, it does not come up to the A B C of this fanaticism; and this was doctrine promulgated by the Administration, by its official organ in 1835—that we owed obedience to the laws under which we lived, but that we owed a higher obligation to any mob in the Union who chose to disregard them. Now, I do not stand here to defend or explain anything the Senator from New York may have said; but let it be as fanatical as it may be, it is milk and water in comparison with what was promulgated by the United States Postmaster General to his subordinates in 1835, that the obligations of the Constitution might be set at naught by an officer of the Government, when he supposed that the interests of the community in which he lived required it. What is the doctrine here maintained? I want to know. Is the Senate ready to answer that question which was propounded more than 1800 years ago by the apostle, when he asked, "whether it be right in the sight of God, to hearken unto you more than unto God, judge ye." Has it been settled, then, that this doctrine implied by the interrogatory proposed by the apostle, viz: the unequalled supremacy of God's law, is to be set at naught, to be derided, to be treated contemptuously, to be trodden under foot by every man? Is a sense of religious obligation to be scorned as unworthy of a place in this republican assembly? I do not know how far such doctrines may go, but I will say that while I am disposed to yield all obedience to the constitutional laws under which we live, I will stop a great deal short of the mark laid down by the honorable Senator from North Carolina yesterday. He says—"if judgment is obtained by fraud or violence, it is the duty of the citizen, not to arrest that judgment, but to see it carried out."

I have stated on another occasion what are my objections to the bill before the Senate. They are, that while it recognises slavery, it recognises nothing else but slavery. This bill is not framed with reference to negroes; it is framed with reference to anybody and everybody, and proceeds on the assumption that the nian who is seized in a free State is of course a slave. Now, the presumption of the law

in the State where I live, where no slavery is recognised by law, is, that every man there is a freeman, both in the technical and political sense of the word. But this bill, with the amendment attached to it, with its affidavits taken a thousand miles off, behind his back, supposes that the man seized is a slave; and its passes over and entirely forgets one provision of the Constitution, which is, that no person shall be seized without due process of law. But gentlemen argue as if the person seized must of necessity be a slave, and the bill supposes and recognises him as a slave. Then we are told it will be impossible to carry out the provisions of the Constitution unless some bill of this sort is passed. Let us suppose an individual living in New Hampshire from his birth is seized as a slave: the thing has occurred of the seizure of an individual not many years ago, who drew every breath he ever drew in New Hampshire. It was a rare occurrence, and I remember it was so rare that, when the prosecuting authorities undertook to proceed against those who had seized this individual, no statute against kidnapping could be found, and they were indicted at common law; since that time, a statute has been enacted. Now, suppose an individual of that character is seized there—an individual who has been born, nurtured, and brought up there, owing allegiance and being entitled to protection there. You come upon him with an affidavit taken a thousand miles off, and you seize him. Where is that man's right? Where is the trial by jury? Where is the habeas corpus? Where is the protection which the Constitution guarantees to the meanest citizen living under the law? Why, sir, it is trampled in the dust by this bill; he is carried before a tribunal by one of the officers of the Government, without the right of a supervisory examination of a Judge of the United States Court within the district; without any of the privileges belonging to a freeman, he is seized and hurried off; and, although it may appear upon the face of it a mere *prima facie* examination, it is to all intents and purposes a final and conclusive judgment, because the officer gives to the claimant a certificate, and he hurries him off; and when he gets to the great slave mart of Christendom, the city of Washington, he may sell him or send him wherever he pleases. Now, I am free to say, once for all, much as I love the Union, much as I reverence its institutions, fond as are my memories which cling around its early histories, I would sacrifice them all to-day before I would consent that the citizens of my native State should at one blow be stripped of every right that is dear to them, and for which their fathers bled and died.

Now, sir, if that is to be the price of the preservation of the Union, I say, "come disunion, and come to-day;" if you can only pur chase peace with us by compelling us to surrender everything which exalts us above your slaves, let disunion come; I think the people of the free States will be ready for it. I am utterly astonished to hear a proposition of this sort made in the American Senate. The bill proceeds entirely on the assumption that there are no rights in the Constitution, except the rights of slavery, and there is not a single word or letter in the proposition I have read, and I have read it very carefully, that is found to guard and protect with any efficient regulation the rights of a man or a child that is wrongfully seized. Why not frame and free-man? cures the rights both of the slave and of the free man? Why is there not some penalty of color of right, persons who, upon some pretext individual? Does undertake, unlawfully, to upon us to deliver up all not the same obligation arise, if it should escape? your property, even under every obligation which Are not the free Should be under? Are they not an honest man men, to deliver up that property? bound, as how has a right to sue in the courts of

Every citizen for the recovery of his property, and his own constitution of the United States provides that the citizens of each State shall be entitled to all

privileges and immunities of citizens in the several States." There are courts, and a law of civilized society; a law which compels us to deliver up all the property of any citizen which may be found in our State. In New Hampshire, you cannot come and take a horse without a trial by jury, nor any other property, amounting in value to \$13.33, if any individual contests it. But you come and take, not the horse, but the rider; not the accident, but the man; not a cow, but a child. Then the safeguards which the Constitution throws around property are stronger than for the man, and there is no help for him. But let me not be misunderstood; nor let it be said that I was ready to dissolve the Union. I said no such thing; and the ingenuity of no man is competent to torture what I said into such a meaning. I said, sooner than surrender those rights for which the battles of the Revolution were fought, I would let the Union go; for the Union was formed to secure the blessings of liberty, as our fathers have said; but when it is used to secure the curses of slavery, then, I say, it should go down. I cannot suppose a bill of this character can possibly pass, unless it is made effectual to prevent abuses of this sort.

We are accused of having other purposes in this matter, and intending to irritate, wound, and insult the feelings of Southern gentlemen; but I ask you, if we have ever said anything on this subject that begins to come up to the declarations which have been taught us by the founders of the Republic in the slave States. I will not read them, but if I should be so foolish as to write out this speech, I may transcribe some of these declarations, made by the honorable William Pinkney, of Maryland, on this subject. Sir, everything which the Abolitionists now say is tame, insipid, and heartless, compared with the denunciations made by him in the Legislature of Maryland, in 1789.

Extracts from a speech of Wm. Pinkney, delivered in the Maryland Legislature, July 1789, on a bill for the relief of oppressed slaves.

"The generous mind that has adequate ideas of the inherent rights of mankind, and knows the value of them, must feel its indignation rise against the shameful traffic, that introduces slavery into a country which seems to have been designed by Providence as an asylum for those whom the arm of power has persecuted, and not as the nursery for wretches stripped of every privilege which Heaven intended for its rational creatures, and reduced to a level with—nay, become themselves—THE MERE GOODS AND CHATELAINS OF THEIR MASTERS."

"Sir, by the eternal principles of natural justice, NO MASTER IN THE STATE HAS A RIGHT TO HOLD HIS SLAVE IN BONDAGE FOR A SINGLE HOUR; but the law of the land, which (however oppressive and unjust, however inconsistent with the great ground-work of the late revolution and our present frame of Government) we cannot, in prudence or from a regard to individual rights, abolish, has authorized a slavery as base, or perhaps worse, than the most absolute unconditional servitude that ever England knew in the early ages of its empire, under the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure villanage of the Normans."

"Sir, the natural character of Maryland is sufficiently sullied and dishonored by barely tolerating slavery; but when it is found that your law give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the evil of the impotently deepened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but took its rise from popular caprice, the rage of faction, or the intolerance of party."

"Sir, let gentlemen our countrymen feel, that, after Providence has crowned and led on the cause of general freedom with success, and in defiance of violence through a myriad of dangers, other, we should not be so ready to forget the principles upon which we fled to arms, as soon for the principles upon which we were raised, as to lose all sense of that interposition of Heaven by which we could have been saved in our public councils, and families. We may talk of liberty for her dictates; we may declaim that we feel a reverence for animated rhetoric, against oppression, all the vehemence selves that we detest the ugly monster, and flatter ourselves to cherish the poisonous weed of, so long as we are among us, the world will doubt our sincerity, partial slavery of Heaven, with what face can we call ourselves the friends of our friends."

of equal freedom and the inherent rights of our species, when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent imperceptible degrees, the horrid fabric of INDIVIDUAL BONDAGE, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?"

"Sir, it is pitiable to reflect to what wild inconsistencies, to what opposite extremes we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind, can obtain a uniform and perfect dominion: to-day we may be aroused as one man, by a wonderful and unaccountable sympathy, against the lawless invader of the rights of his fellow creatures; to-morrow we may be guilty of some oppression which we reprobated and resisted in others. Is it, Mr. Speaker, because the complexion of these devoted victims is not quite so delicate as ours? Is it because their untutored minds (humbled and debased by the hereditary yoke) appear less active and capacious than our own? or is it because we have been so habituated to their situation as to become callous to the horrors of it, that we are determined, whether politic or not, to keep them till time shall be no more on a level with the brutes? 'FOR NOTHING,' says Montesquieu, 'SO MUCH ASSIMILATES A MAN TO A BRUTE AS LIVING AMONG FREEMEN HIMSELF A SLAVE.'"

"CALL NOT MARYLAND A LAND OF LIBERTY; do not pretend that she has chosen this country as an asylum; that she has erected her temple and consecrated her shrine, when here also her unhalloved enemy holds his hellish pandemonium, and our rulers offer sacrifices at his polluted altars. The lily and the bramble may grow in social proximity, but LIBERTY AND SLAVERY DELIGHT IN SEPARATION."

"I would as soon believe the incoherent tale of a school-boy, who should tell me that he had been frightened by a ghost as that the grunt of manumission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming FREEMEN? Are we alarmed lest, by being admitted to the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be to argue that the natural enemy of the privileges of a freeman is he who is robbed of them himself! In him the foul fiend of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others, while from him whom you have raised from the degrading situation of a slave, whom you have restored to that rank in the order of the universe which the malignity of his fortune prevented him from obtaining before, from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the happy effects of the warmest gratitude and love."

"Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your present laws would doom to the CURSE OF PERPETUAL BONDAGE, feel the inspiration of gratitude to those whose sacred love of liberty shall have opened the door to their admission within the pale of freedom? Dishonorable to the species is the idea that they would ever prove injurious to our interests; released from the shackles of slavery, by the justice of Government and the bounty of individuals, the want of fidelity and attachment would be next to impossible."

"It is for us to reflect that whatever the complexion, however ignoble the ancestry or uncultivated the mind, ONE UNIVERSAL FATHER GAVE BEING TO THEM AND US; AND WITH THAT BEING CONFERRED THE INALIENABLE RIGHTS OF THE SPECIES."

Extracts from a speech delivered in the Maryland Legislature, November, 1789.

"The door to freedom is fenced about with such barbarous caution that a stranger would be naturally led to believe that our statesmen considered the existence of its opposite among us as the sine qua non of our prosperity; or, at least, that they regarded it as an act of the most atrocious criminality to raise a humble bondman from the dust, and place him on the stage of life on a level with their citizens."

"Mr. Speaker, iniquitous and most dishonorable to Maryland is that dreary system of partial bondage, which their laws have hitherto supported with a solicitude worthy of a better object, and her citizens by their practice countenanced."

"Founded in a disgraceful traffic, to which the parent country lent her fostering aid, from motives of interest, but which even she would have disdained to encourage, had England been the destined mart of SUCH INHUMAN MERCHANDISE, its continuance is as shameful as its origin."

"Eternal infamy await the abandoned miscreants, whose selfish souls could ever prompt them to rob unhappy Africa of her sons, and freight them hither by thousands, to poison the fair Eden of liberty with the rank weed of individual

bondage! Nor is it more to the credit of our ancestors that they did not command those *savage spoilers* to bear their hateful cargo to another shore, where the shrine of freedom knew no votaries, and every purchaser would at once be both a master and a slave.

"In the dawn of time, Mr. Speaker, when the rough feelings of barbarism had not experienced the softening touches of refinement, such an unprincipled prostration of the inherent rights of human nature would have needed the gloss of an apology; but, to the everlasting reproach of Maryland, *be it said, that when her citizens rivalled the nation from whence they emigrated in the knowledge of moral principles, and an enthusiasm in the cause of general freedom, they stooped to become the purchasers of their fellow-creatures, and to introduce an hereditary bondage into the bosom of their country, which should widen with every successive generation.*

"For my own part, I would willingly draw the veil of oblivion over this *disgusting scene of iniquity*, but that the present abject state of those who are descended from these kidnapped sufferers perpetually brings it forward to the memory.

"But wherefore should we confine the edge of censure to our ancestors, or those from whom they purchased? ARE NOT WE EQUALLY GUILTY? They strewed around the seeds of slavery, WE CHERISH AND SUSTAIN THE GROWTH. *They introduced the system, WE ENLARGE, INVIGORATE, AND CONFIRM IT.*

"For shame, sir; let us throw off the mask; it is a cobweb one at best, and the world will see through it. *It will not do, thus to talk like philosophers, and act like unrelenting tyrants; to be perpetually sermonizing it, with liberty for our text, AND ACTUAL OPPRESSION for our commentary.*

"Survey the countries, sir, where the hand of freedom conducts the ploughshare, and compare their produce with yours. Your granaries, in this view, appear like the store-houses of emnets, though not supplied with equal industry. To trace the cause of this disparity between the fruits of a freeman's voluntary labors, animated by the hope of profit, and the slow-paced efforts of a slave, who acts from compulsion only, who has no incitement to exertion but fear, no prospect of remuneration to encourage, would be insulting the understanding. The cause and the effect are too obvious to escape observation.

THE EXTENSION OF CIVIL SLAVERY OUGHT TO ALARM US. In truth, we are the only nation upon earth that ever considered 'manumission' as a ground of apprehension, or the 'extension of slavery' a political desideratum."

That was said in 1739.

I will say, with regard to the subject which was up a few moments since, whenever a bill can be framed honestly to carry out the obligations of the Constitution, and carefully guarding against abuses, I will consent to carry out all these obligations in good faith; but good faith does not require that the rights of the States shall be perverted to enable persons to carry into effect the purpose of recapturing fugitive slaves. It should be remembered that where the interests of freedom and slavery are in contact, the interests of liberty should be preserved, protected, and guarded; and it is the duty of the Senate and of the National Legislature to protect and guard those rights of freedom.

Now, sir, with a single word about this general question, I leave the subject. My purpose and aim have been, not to throw any apple of discord into the Senate, or to excite any angry feelings; but when an attempt was made by the Senator from South Carolina to give, with all the authority attached to his great name and reputation, an historical account of the manner in which this subject had arisen and had been treated, and when I saw in that historical account great injustice had been done, as I thought, I considered that a sense of duty required me, according to the measure of my feeble abilities, to correct it, and attempt to do it justice. I have no purpose and no desire to say or do anything that may be exciting, or wound the feelings of anybody. The honorable Senator from North Carolina, [Mr. BADGER,] in his appeal to the Senate, puts the question to us, if we are willing to go on with a measure which the people of the Southern States must consider as a great wrong and an insult to their feelings? I will tell you where I think this excitement grows from and springs from. I believe it grows from the very building in which we stand; and that the people of the South never suspected that they were being wronged and insulted, till they were told so from

the city of Washington. I believe that disturbing matter goes out in speeches made in this Hall, and in the other end of the Capitol.

I believe that no possible ingenuity, no course of reasoning, could have induced the Legislatures of the Southern States to think that a simple perseverance in a course of legislation, commencing with the Constitution, and older than the Constitution itself, is insulting and wrong, unless it had been industriously circulated and sent out in speeches made here.

Now, sir, an appeal is made to gentlemen of the North, to come forward and save this Union. I make an appeal to gentlemen of the South, and I ask them to cease from representing the North as oppressive; I ask them to cease from representing that there is a design, or a purpose, or a wish to do wrong or injustice to any portion of this Confederacy; I ask them to cease, from this day henceforth and forever, from representing that the passage of the Ordinance of 1787, and applying it to the Territories of the United States in the bills organizing Territorial Governments, is anything but a bill that coincides with the Constitution, and runs with it to the present time; I ask them to go home and tell their constituents that this bill is the same which was applied by the old Continental Confederacy to every inch of territory which we then owned, and that there has never been a Territorial bill different from this, down to the organization of the Oregon Territory, in which the right and the power of Congress to legislate upon this very subject of slavery has not been introduced and acted upon undisputed. Now, if gentlemen from the Southern States will do this, if they will put the history of Government right before their own constituency upon this subject, they will do more to allay the agitation there than the whole North can possibly do. What is asked of the North? They are asked not only to abandon the policy under which the Constitution was framed, but the honorable Senator from South Carolina, speaking for the South upon this subject, comes forward, and not only wants us to abandon it—to abandon all that we have done under the Constitution—but to give up the Constitution itself. That is what we are very modestly asked to do. He says: "Is it not then certain, that if something decisive is not now done to arrest it, the South will have to choose between abolition and secession?" What is to be done? The honorable Senator from South Carolina requires the insertion of a provision in the Constitution which will restore to the South the power which she possessed to protect herself. This, sir, is the very modest concession we are called upon to make; we are not only to give up the whole policy of legislation under which we have lived for sixty years, but we are to give up the Constitution itself, and insert a provision that shall forever maintain the equilibrium intended to be established. Sir, ingenuity is at fault when it comes to speculate upon the character of this proposed amendment.

Well, what is that amendment to be? Shall it be provided that the North shall not be populated any faster than the South? Or shall it provide that the voice of the slaveholding States, few as they may be, shall always be equal to that of the non-slaveholding States, however numerous and however much exceeding them in population? The Senator did not see fit to explain the nature of the amendment he proposed, but simply announced there must be some amendment made, without telling us what it was, as the price of the peace we are seeking. I look, then, upon it as a dissolution, so far as the settled opinions of that Senator are concerned, and *there* the time for which some of the sister States of South Carolina were not quite prepared *seven* years ago, has now come, and unless this important constitutional amendment is made by *way* of equilibrium, the South are prepared for secession, and that secession they will take, because he says they will be forced to choose between abolition and secession;

and, indeed, as things are now moving, he thinks they will not be required to secede. Agitation, if not ceased, will do the work for them.

With this exposition of the matter, I leave it, and I leave the country to judge who it is that usurps power, and who it is that keeps up agitation—whether it is the men of the North or of the South who are to blame for the present state of excitement in the country. As regards the threats of secession made by the Senator from South Carolina, apparently regarding that as being the only remedy for the evils under which the South is now suffering, I have only to say, that of the propriety of the measure it is for them to judge, and for them to decide in view of the measure and its consequences.

Let me say, in conclusion, that that is not the end nor the purpose at which I aim, and at which, as far as I know, those with whom I act aim. We desire action, not out of the Constitution, or against the Constitution, but in and under it. We desire to see that Constitution carried out as intended by its framers, and to see it administered in the spirit in which it was formed. And, sir, we desire to see, also, the abolition of slavery effected throughout the world. I will not undertake to say how it is to be done; but no action of this Government is desired to effect it. We do not expect that public or political measures are to effect it; but by appealing to the hearts and consciences of men, by bringing home the principles of Christianity and the appeals of humanity to those who have the power to influence the men around them, and who have hearts to feel, we trust they will be induced to remedy or remove the evils under which the country, in this connection, labors. This is what we desire, and aim at; and firmly believing in the providences of God, we trust the day will yet dawn upon

this country when the word slavery shall be a word without a meaning; and when those whose efforts are for universal freedom shall have, as their fathers had in the days of the Revolution, the earnest, hearty sympathies of those who live in the slaveholding States; and when every section of the Union will join hands with the other in spreading abroad the principles of humanity, philosophy, and of Christianity, which shall elevate every son and daughter of the human race to that liberty for which they were created, and for which they were destined by God.

That happy period, sir, will yet dawn upon the destinies of this nation; and then shall the united and universal shout of a regenerated people go up in one strong swelling chorus to the throne of the Most High, unmingled with the groans or prayers of the victims of oppression, living under any human form of government. These opinions, sir, we entertain, and these hopes we cherish, and we do not fear to avow them here now, always, and forever. We ask not the aid of this Government to bring it about; for we know that under the Constitution you have no power to move in the work, and therefore any such appeal of ours would be ill-timed. What we have a right to ask, and do ask, in the name of justice, of humanity, and of liberty, is that you place not this Government in the way—that you do not by any action of yours interpose to extend the boundaries of slavery, or retard the progress of human freedom and improvement. Sir, this great cause must prosper, and it is of little consequence to the cause whether this Government is found for it or against it; but it is of great moment to the Government, lest, unhappily, in this great controversy, it be found fighting against God.

SPEECH

OF

HON. WILLIAM DUER, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES, APRIL 10, 1850, :

In Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. DUER spoke substantially as follows :

Mr. CHAIRMAN: A new question has arisen—a question, I believe, never before formally presented and discussed in Congress. The gentleman who has just taken his seat [Mr. Ross] has alluded to an incident of an early period of the session, when one of the Representatives of Georgia declared himself, in certain contingencies, for disunion, and another Representative of the same State [Mr. STEPHENS] reiterated the declarations of his colleague—declarations which gave me pain, because I knew that both of those gentlemen not only possessed great talents and influence, but had boldly and successfully resisted, in the last Congress, a movement similar to that to which they have now seemed willing to lend themselves. The gentleman from Pennsylvania, in whose mind seem singularly and indissolubly connected the ideas of the Union and of the predominance of a particular party in the Union, has chosen to select for illustration the instance of prominent Whigs. It is well understood, however, here, that there is no material difference in this respect between the gentlemen referred to and the great mass of southern democratic members; while several of the latter have publicly assumed, and others are known to maintain, positions greatly in advance. Those contingencies upon which the gentlemen from Georgia have pronounced for disunion, may or may not happen—it is not, perhaps, now very probable that they will happen;—others, however, have placed their opposition to the Union upon grounds which, if they shall be adhered to, and if they shall be able to induce those whom they represent to adopt their views, must inevitably place them in a hostile attitude to their Government. For California, with her boundaries, will be admitted into the Union; and you will have no establishment of slavery, or, if you prefer the phrase, no recognition of the constitutional existence of slavery in any part of these territories, north or south, or east or west of any line of latitude or longitude. Neither will you have a repeal of any existing law prohibiting slavery—Such at least is my judgment.

We heard a great deal in the last Congress about “the odious Wilmot proviso.” To listen to southern gentlemen then, one would not suppose that they were contending for slavery, but that they were simply resisting offensive and unconstitutional prohibitory legislation. It was at the means, not the end, that their invectives were hurled. Now, however, they tell us that what

they want is, to carry their negro slaves into these territories; and that the particular mode in which they may be prevented from doing this, is to them a matter of supreme indifference. I always had a notion that this was what they wanted. I am glad that it is now frankly avowed. It relieves us from the scrutiny of a great quantity of metaphysical subtlety. It is not only, too, the more manly way, but it seems to me even to be putting their case upon the strongest ground. It enables them to discuss it upon its merits, as has been done with great ability by several gentlemen, and among others, by the gentleman from Georgia, [Mr. TOOMBS.] Some gentlemen have even been pleased to speak of the Wilmot proviso in a kind and liberal way, for which I feel grateful. I believe that there are those who would prefer it. Nevertheless, as its adoption might place a power to do mischief in the hands of persons unfriendly to the Union, I am disposed to inquire whether the necessity for its enactment may not be avoided.

What is the Wilmot proviso? It is an instrumentality—a means to attain a certain end. I have no superstitious veneration for the form. That which is the best means at one time may not be so at another.

Some months ago one of the Representatives of Ohio [Mr. ROOP] introduced a resolution, instructing the Committee on Territories to bring in a bill establishing territorial governments in all that part of the new territories not included within the boundaries of California, and prohibiting slavery therein. I voted, in a small minority of the northern members—I believe there were but two northern Whigs (my colleagues) who voted with me—to lay that resolution upon the table. I am satisfied with that vote. I know it was an honest vote; I think, under the circumstances, it was a bold one. I was quite aware of all the hazards to which, personally, it exposed me; but I thought it important that the movement should be promptly arrested, and I was willing for that purpose to encounter them. I thought that there were other perils that way; perils to California, perils to the Union. I may perhaps bring my judgment into contempt with some gentlemen by saying so, but such is my opinion. It is the opinion of the ablest and most experienced statesmen in the country. I was determined that I would not, for an abstraction, for no practical purpose whatever, involve the country in such danger. I was determined that I would not, directly or indirectly, give “aid and comfort” to those whom I believed to nourish

and, indeed, as things are now moving, he thinks it would be a great pity if not

this country when the word slavery shall be a word without a meaning; and when those whose efforts shall have as their fathers

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designs hostile to the Union. It was my policy to strengthen our friends in the South,—not to place weapons in the hands of our enemies.

I do not doubt that the vote, the final vote by which "Root's resolution" was laid upon the table, and in which I regret that accident prevented me from taking part, has done great good. It has done precisely what I, for one, intended and desired it should do. It has disarmed disunionists; it has stripped them of their power. We all feel and know this. The scheme for a Southern Confederacy has received a fatal arrow in its side—*lethalis arundo*. And the Nashville Convention, instead of a torch to light a flame, will prove but the expiring wick of the candle.

It has pleased the honorable member from Ohio to impute venal motives to those who voted to lay his resolution upon the table—a desire to secure Executive favor. It is impossible for any man in public life to escape such imputations. There is scarcely a vote he can give, such are the differences of opinion, of which the motive may not be pure and may not be base. He must ordinarily trust for his vindication to the reputation he may have established. As one of those implicated, I feel that there is nothing in my character to which the charge of the honorable member from Ohio will adhere. None who have known me, wherever I have lived, and whose good opinion I regard, will believe that I have acted, or am capable of acting, upon this question from sordid motives. And I may be pardoned, under the circumstances, the egotism of saying, since, for my action in this matter, I have been pretty extensively denounced in a class of newspapers, that I came here at the commencement of this session fully appreciating the critical condition of the country with respect to this question of slavery, and determined, so far as a man can analyze his motives, to act for the real and permanent good of the country, and to make all personal considerations and all partisan considerations subordinate to that end. I came—quite conscious of the humbleness of my position—to speak, and to act, and to vote, according to my best judgment, for justice and for the Union. Others have brought to that task high gifts, and power and influence to which I have no claim; none more singleness of purpose.

I impute corrupt motives to no man here; not because I suppose that such motives may not exist, and are not indeed pretty certain to exist in any body of two hundred and thirty men, nor because I may not perhaps sometimes think that I am able to detect them; but because it is forbidden to do so, as well by the rules of parliamentary propriety as by the rules that regulate the intercourse of gentlemen. It is for every member of the House to choose in this respect his course. I make no such imputations. But does the honorable member from Ohio suppose—patriotic as doubtless he is—that if I or others were disposed to do so, there is anything in the position of himself, and of those who, like him, deal in menacing tones and gestures, and assume a general supervision over northern constituencies—holding suspended over our heads the thunders of popular indignation, and standing ready, spades in hand, to dig our political graves—does he suppose there is anything in that position that protects its occupants against similar attacks? Is there no meanness but that of seeking Executive favor? Is

there no baseness but that of which a public man may be guilty? May not favor be elsewhere sought by unworthy arts? And is there not a species of mental prostitution, that traffics in false and exaggerated sentiments, stimulates hatreds and unworthy passions, and panders to vitiated tastes, that is quite as degrading to the individual, and more dangerous to the State, than the paltriness that sells a vote for an office? I respect an earnest abolitionist, I respect an earnest disunionist, as I respect everything that is genuine—if for nothing else, because it is genuine. But I have an opinion that there are those, North and South, who, incapable of rising to the height of a political question, seek only, in sectional agitation, the mean rewards of a low ambition. So when the wind was high on the sea-shore I have seen the sea-gulls wheel and scream; they seem to share the spirit of the storm; and yet all the while they are only intent on securing their prey, to which their instinct teaches them that the season is favorable.

My action in this matter has not escaped a construction, that is not, it appears to me, very liberal, in another quarter. The gentleman from Alabama, [Mr. HILLIARD,] incapable of intentional discourtesy or injustice, in commenting upon a letter written by me, and defending myself against an attack made upon me in a Whig newspaper, has been able to discover for my course no other than a sectional motive. He applies to it, in very complimentary language, a comparison drawn from the art of war. Certainly the feeling by which I was governed was anything but military or aggressive. The gentleman will not deny that the vote I gave was a national vote; but he objects to arguments intended to reconcile that vote to a section. In this I may differ somewhat from the honorable gentleman. He abounds in national and patriotic sentiments clothed in very beautiful language; but so far as I have observed, he has never given a vote that was likely to place him in any difficulty at home. Let not my friend from Alabama—if he will permit me to call him so—mistake me. I think that I do him justice. I believe that he is a friend to the Union, a man of the nation; and I can appreciate the difficulties and embarrassments arising from a geographical position. But let me suggest, in all kindness, that in certain emergencies one act involving some personal hazard is worth an abundance of lofty sentiments.

It is of little consequence how I may stand upon this question, except to those whom I immediately represent. Nevertheless, having patiently submitted for some time to misconstruction—of which I might point to various instances—I have a natural desire to relieve my position of any ambiguity that may be attached to it. I have been ready from the beginning of this session, and I am ready now, to place the settlement of this question upon a constitutional principle—the principle that the people of a territory, in establishing a Constitution for their government as a State, have the right to establish or to prohibit slavery as they may please. I was ready to do this before I read, or had heard any intimation of the contents of, the annual message of the President, or of the California message; I am not the less ready to do so now that I know that my opinion has sanction in so high a quarter. I have considered with

attention and respect the propositions that have emanated from several eminent gentlemen for the adjustment of this question; but I will say that I have nowhere seen anything that in my judgment is so wise and so just as the plan submitted to us by the President, in the message now under consideration. And in speaking of the plan of the President, I have in view the principle to which he refers us. I am aware that, strictly speaking, the President has presented no plan, but rather an idea; and has very properly deferred entirely to the legislative branch of the Government, the consideration of time and mode, and the arrangement of details. It seems to me erroneous to say, that the policy of the President settles nothing; that it is a policy of inaction. On the contrary, it has an advantage in this respect over every other plan—it settles the question, and it is the only plan that settles it. It is not a policy of inaction. Though it does not absolutely demand, yet it admits of action and immediate action. We may give finality to the policy when we please; and for one I am ready, and think it most wise, to do so now. In plain words, I am ready to vote for a bill authorizing the people of New Mexico to form a constitution for their government as a State, and declaring that, upon their adoption of a Constitution, republican in its form, they shall thereupon and thereby be one of the States of the Union. Such a bill should contain a provision, as matter of preliminary arrangement, for the extinguishment, upon just terms, and with the assent of Texas, of her claim to a portion of the territory. A provision of that character appears indeed to be necessary, whether we adopt the State or the territorial plan, since in either case we ought to know what it is for which we are legislating. I do not think it doubtful that we may make a proposition to Texas which she will not reject. Pass such a bill and the question is settled, irrevocably settled, settled by an irrepealable law; and before the meeting of another Congress, New Mexico will be one of the States of the Union.

Another recommendation of the plan of the President is, that it involves no sectional triumph; calls for no surrender of any principle that has been contended for, either by the North or by the South; is founded upon no compromises but those of the Constitution itself. As a necessary consequence, it must quiet agitation; for the question being settled, and settled in such manner as to leave no sting behind, agitation must expire for want of aliment.

Compare now, in these respects, the plan of the President with the plan for a territorial government. A territorial bill must either contain, or it must not contain, a prohibition of slavery. If it contain such a prohibition, its passage would be regarded as a northern triumph. So far as it would operate in such case to prevent the extension of slavery to free territory I should approve it; but in so far as it would do this in a manner—unhappily, without, in my opinion, just cause—offensive to the South, I should regret it. We all understand this; and it is the less necessary to enlarge upon it since this is not the alternative of probable occurrence. Suppose, then, that your bill contains no such prohibition.—Would not its passage under such circumstances be equally regarded as a southern triumph—as a surrender by the North—as an abandonment by the North of a

principle to which almost every northern State stands solemnly committed? Nor would the exasperated feeling thus produced want a tangible subject for agitation. Your bill would be no settlement; it would leave the question open; open to another Congress, and to yet another to be elected under a new census. We must not be misled by looking only to the present; the scene of agitation may be shifted. The North as well as the South may be unreasonably angry; the same passions exist everywhere; and if at the South they are more easily excited, they are not less durable in colder regions.

Besides, we must look beyond the intrinsic merits of a measure, in order to form a judgment of its consequences; we must look to collateral circumstances. I will not say that such a bill might not be passed by a majority, so strong and so composed of men from both sections of the Union, and from both the great political parties, that its friends would be able to put down agitation. But how is your majority likely to be composed? You will not restore harmony to the Union by any measure of which one of the proposed effects is the establishment of one of the parties of the nation upon the ruins of the other. It is impossible to shut our eyes to the existence of such expectations. There is a glimmering of them through the remarks of the gentleman from Pennsylvania, [Mr. Ross.] They are revealed to us more clearly in the daily columns of a paper published in this city. What, then, will be the character of your majority? Suppose that it shall be found to be composed of almost the entire South, and of just a sufficient number of northern Democratic members to insure the passage of the bill. In such case, the measure would present two popular aspects: the one sectional, the other partisan. Is there not, then, danger that you may thus force one of the great parties at the North into a position of anti-slavery agitation?—that it may be joined not only by all the Abolitionists and Free Soilers, but by a large section of the other party?—that the cry of "Repeal" may be raised?—and that, all other questions being merged in this, two parties geographically divided may take the place of the present national parties, and the unhappy sectional controversy already existing thus reach a height more dangerous than ever? I should deeply regret this, but I should be powerless as an individual to prevent it; I fear those vastly my superiors might be equally powerless. If there be those who look without regret to such a state of things, I certainly am not of them. I point to the danger that it may be averted.

There is another recommendation which the plan of the President possesses. If the people of New Mexico be ready and willing, as I believe they are, to come into the Union now, the spirit of our treaty with Mexico appears to demand their admission. I know that the treaty says they are to be admitted "at the proper time, to be judged by the Congress." But though Congress are the judges, they are not to judge capriciously; the rule of action is prescribed. What is the "proper time?" To ascertain it we must have reference to the general course of our Government. New Mexico has now a population with which no State has ever been refused admission into the Union—a population more than sufficient to entitle her to one member of the House of Representatives. Can we reject her on account of the character of

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this country when the word slavery shall be a word without a meaning; and when those whose efforts are directed to the attainment of freedom shall have as their fathers

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her population? It is true her citizens are not Americans by birth, but they are Americans by treaty; and I do not think that in the spirit of the treaty we can make a discrimination against them for that reason. If these are sufficient grounds for her rejection, her admission may be delayed indefinitely. The proportion which her numbers bear to the representative ratio is not likely to increase; nor is it probable that the character of her population will essentially change, since there is nothing to carry Americans there, with or without any particular species of property. I doubt whether her case will be stronger fifty years hence than it is now.

These, then, are the recommendations of the policy of the President. It is demanded by the spirit of a treaty; it rests on a constitutional principle; it involves no sectional triumph, requires no abandonment of principle; it settles the question irrevocably, quiets agitation, and restores harmony to the Union.

Is there any reason why the South should reject it? What is that you desire? The preservation of the Union *upon just terms*? That is, I doubt not, what the great majority of you, and a majority perhaps still greater of your constituents, sincerely desire. Well, in this way, you will preserve and strengthen the Union; and you cannot dispute the justice of the terms. They are in accordance with principles which the South has always proclaimed, and which especially have received the emphatic sanction of the eminent individual—who was southern if anything be so—whose death we have lately deplored. Do you desire to enjoy your property at home, in quiet and without agitation? You will thus attain that end. Many southern gentlemen have said to us, that slavery can never enter New Mexico, and that consequently the Wilmot proviso was a mere abstraction; and that for the North, therefore, to insist upon it, was to insist upon a measure offensive to the South for no practical end. Why, then, if your premises be correct, will you, for an abstraction, require an abandonment of principle and consistency, humiliating to the pride of the North?—But it is said that it is a principle of which you desire the recognition. You can get no recognition of the principle that Congress may not prohibit slavery in the territories of the United States. If you will look at the recent speech of the great northern statesman, you will find in it anything but an abandonment of the principle of the ordinance of 1787; you will find, on the contrary, that principle most emphatically asserted. Nor would any vote that you could get here, even expressly repudiating it, be of service to you; for the principle is one that the people of the North will never abandon. On the other hand, by the measure I have proposed, you would gain the acknowledgment of a principle not valueless to the South, and that in such a manner and by such a vote as to be of practical use.

Will northern Democrats reject the policy of a southern President because it is not sufficiently southern? Will they substitute for it something that their constituents will regard as more favorable to the South—more favorable to slavery? Are not the terms just? The South at least is stopped from disputing their justice. Will you allege that you fear a dissolution of the Union? A dissolution of the Union because we authorize the people

of a territory to form a constitution preparatory to their admission into the Union as a State! They who would dissolve the Union for such a cause must belong to the class of nondescripts lately discovered by an old gentleman of this city—the class of “disunionists *per se*.” Gentlemen may be willing to make sacrifices, sacrifices of personal feeling, of ambition, of consistency, of principle even, for the sake of restoring harmony to the Union; but before they make such sacrifices they will do well to make certain that the desired end will be attained.

Will northern Whigs want the patriotism and courage to adjust this question upon principles of justice? Will you say you would rather have the Wilmot proviso? But you cannot have the Wilmot proviso. It is not at all probable that it could pass this House, and it is absolutely certain that it would be rejected in the other. It is therefore idle to talk about the proviso. Will you say that it is better to wait—to do nothing? Why so? If you approve the policy of the President, as I believe in general you do, and as your constituents do—if you recognize the principle upon which that policy is founded—why not give effect to it now? Thus you will escape the imputation of an intended violation of faith, settle a question which ought to be settled, and give quiet to the country. But you cannot prevent action. Action is inevitable. That which it is in your power to do, is, to shape its course; you cannot arrest it. Your constituents are practical people. They will be satisfied if you do the best thing that it is in your power to do; they will not be satisfied otherwise. They will not be satisfied, in my opinion, if, for want of your affirmative votes for a practical measure, something else shall be done less acceptable to you, and less acceptable to them.

These are my reasons for preferring a bill for the admission of New Mexico as a State, to a bill for a territorial government. I may, however, be overruled in my opinion, and compelled to vote on a territorial bill. In such case, I am not satisfied that it is unnecessary to insert in such bill, a clause prohibiting slavery. I have listened with deference and respect to the counsels of eminent citizens, themselves opposed to the extension of slavery; but I am unconvinced. I do not propose to argue the question; but I will allude to a single reason that has great weight in my mind. I fear that the South would regard the erection of a territorial government without the proviso, as an abandonment of the principle. To this I cannot consent. If I could overcome my objections so far as to be willing, under particular circumstances, to waive the application of the proviso, yet I will never abandon it. What would be the consequence? How long would it be before we should have a little more annexation—another Mexican war? I prefer that the Wilmot proviso shall hang suspended over Tamaulipas and Coahuila. If a source of discord within the Union, it is conservative without. It is a better barrier against our aggressions than any army that Mexico could raise. There is no danger that the North will involve us in a war for the acquisition of free territory; I do not desire that the South should do so to acquire more slave territory.

The abandonment of the prohibitory power of Congress when coupled with the southern theory of the operation of the Constitution to carry slavery

into all territories of the United States, would convert this Government into an instrument for the propagation of slavery, without limit and without restraint. There is nothing that would make me consent to such a change in the character of our Government. I would almost borrow, to manifest my repugnance to it, the southern language of "resistance at all hazards, and to the last extremity."

It is possible, however, that a measure may be presented to me in such a form, that I may be willing to exchange the proviso for an equivalent. Let me explain what I mean by this. Do what we may, it is out of our power to fix, with certainty, the ultimate condition of this territory as to slavery. A congressional prohibition of slavery only applies to the territorial state. It is not so good in this respect as a prohibition of slavery in a State constitution. I therefore prefer what has been termed the California proviso, to the Wilmot proviso. I prefer it for another reason. There is no doubt of the power of a State to prohibit slavery, while we know that the power of Congress is seriously disputed. I have no doubt of its existence; but an opposite opinion is predominant in half the States of the Union, is entertained by many able lawyers and statesmen, and is even said to have been expressed by one of the judges of the Supreme Court; and I cannot, therefore, shut my eyes to the fact, that there may be a degree of doubt as to the decision of the tribunal whose province it is to determine the question. For these reasons, I can see that the case is one that allows an equivalent. It has also aspects in which such a question may be presented. It is in this light—the light of an exchange for an equal value—that I should regard any substitute proposed for the proviso, and I should look to get something that, on the whole, was as good as what I gave.

It has been said, that the doctrine of the President on this question was the same as that maintained by General Cass in the last Presidential canvass—the doctrine of non-intervention; and we northern Whigs have been accused of inconsistency, in being willing to support now, what we then opposed. You may apply to them, if you please, the same phrase; but the difference between the two doctrines is nevertheless very striking. The non-intervention of the President, is non-intervention where none have ever pretended a right to intervene—non-intervention in a State. The doctrine of General Cass is, that the people of a territory have the right, in their territorial state, either to prohibit or to establish slavery. The doctrine of the President is, that they only have this right in forming a constitution for their government as a State. The doctrine of General Cass has the sanction of no eminent name in the Nation except his own, and is contrary to the uniform practice of the Government. That of the President is generally acknowledged by northern and southern statesmen, and is in accordance with a practice equally uniform.

But in looking at the demands that are made by some southern gentlemen, the doctrine of non-intervention, properly so called, seems to me to have undergone a change since the last Congress. The old doctrine, as I have understood it, was, that Congress ought to do nothing whatever with respect to slavery in the territories. Now, however,

we are told that this non-action applies only to natural, and not to legal restraints; and that it admits, if it does not demand a repeal, of prohibitory laws. All, it is said, that is asked is, that slavery may be carried wherever soil and climate will permit—in other words, we are not required to change the laws of Nature, but only those of man. To my mind, sir, the distinction is so shadowy between establishing slavery and repealing a law prohibiting it, that I would as soon vote for the one as the other.

The gentleman from Maryland, too, [Mr. McLANE,] has given a new interpretation to "non-intervention." He is not an illiberal man, I know—far from it; but he appeared to me to make rather a strong demand on his northern Democratic friends. He called upon them to stand fast—to hold on to the faith; I did not at first perceive the necessity for so much urgency; but when he unfolded his plan, I was no longer surprised at the earnestness of his entreaties. He proposes to carry out the principle of non-intervention by giving New Mexico—not the disputed territory merely, but the whole country—to Texas. "Here," says the gentleman, "is an unpleasant controversy between the North and South about this territory; let us compromise it. Let us give the land to a mutual friend—Texas." I suppose we might rely upon Texas to take it; for she is a sort of universal proprietor, like the Marquis of Carabas.

A few words on another topic. There are southern gentlemen, bold navigators, who, passing the narrow seas of non-intervention, have fairly reached the *Ultima Thule* of sectional ultraism. Disdaining the further exercise of ingenuity to twist the old Constitution to their purposes, they demand a new one. Such have been "the aggressions of the North," that they must have new guarantees. There was a period, we are told, when the slaveholding and non-slaveholding States, being equal in population, were equal in power; but the aggressive conduct of the North in increasing more rapidly, has disturbed the equilibrium, and now "the equilibrium must be restored." What does this mean? It means, simply, that the popular representative character of our Government must be changed, and that slavery must be introduced into it as an element of power and a balance to superiority of numbers. It does not appear to me to be necessary to do more than to state the demand.

"The equilibrium must be restored!" I can understand the feeling that prompts the demand, without being able to assent to its reasonableness. Let us test it by an example. Suppose I should go to a wealthy and prosperous gentleman, and say to him, "Sir, my grandfather or great grandfather," as the case might be, "had as good a property as yours; but I am now poor and you are rich; and what is more, I find that I am daily growing poorer and you richer. Sir, I demand that you restore the equilibrium."—This desire to restore the equilibrium is a strong passion among men. Modern laws severely restrain its excesses. But Macaulay tells us that one hundred and fifty or two hundred years ago, it was not considered disgraceful for a reduced gentleman to take a ride on Hounslow Heath to restore the equilibrium.

Extravagant as this demand is, and though there may be few who make it directly, and in the form of an amendment to the Constitution, yet I fear that the principle which lies at the bottom of it,

and, indeed, as things are now moving, he thinks they will not be required to secede. Agitation, if not

this country when the word slavery shall be a word without a meaning; and when those whose efforts for universal freedom shall have, as their fathers

namely, the preservation of an equality of power in at least one of the branches of the Government between the slaveholding and non-slaveholding States, has governed and continues to govern many. They strive and hope to gain their object by expedients suited to the emergency; a little annexation at one time; a Mexican or Spanish war at another; the division of a State at a third. This is the feature in this business that more than anything else alarms me with respect to the future.

When an occasion occurs for the accomplishment of such a purpose, there are those who do not hesitate to resort to the most dangerous agitation. The South must be aroused, the South must be united; aroused to believe those who would be their brethren their enemies; united at "all hazards," and for "the last extremities." What the present may fail to afford for complaint is made up by a recital of the past. There is no statute of limitations; no recognition here of Jefferson's principle, that one generation is not liable for the debts of another; the sins of the fathers are visited upon the heads of the children; and you will even visit upon us (as witness the first article in the catalogue of offences, the ordinance of '37) the sins that your own fathers committed.

The aggressions of the North! This is the cry with which our ears daily ring. The invasion by the North of the constitutional rights of the South! This is the alleged foundation for the demand, by some, of new guarantees; by others, of the express abandonment of the power of Congress over slavery in the territories; or of disunion as the alternative of refusal.

I have endeavored to consider this question of aggression calmly and justly. In looking at controversies spreading over thirty years—if, indeed, we may not carry their origin much further back—I will not say of the North what the gentleman from Pennsylvania [Mr. Ross] has just said of the South, but which is true, I suppose, of no other similar case in history, that she is wholly without blame; but I will say, that the result of my examination has been a sentiment of surprise at the frivolousness of the complaints. It was my intention to consider, with some particularity, the alleged aggressions of the North; but the clock gives me warning that I shall only have time to touch upon a single topic.

The principal cause, I believe, of complaint, arises from the alleged breach of our constitutional obligation with respect to the extradition of fugitive slaves. Of our *duty* in this respect, I mean to speak in such manner that it may not be possible to misunderstand me here or elsewhere. We have *promised* to deliver fugitive slaves to their masters. This is a portion of the fundamental law of our Government. It is not a pleasant task—I might use stronger language. If the Union were to be formed anew, I might absolutely refuse to assume it. But it is plainly written; it is part and parcel of the compact; and we have sworn to perform it.

Under such circumstances, what is an honest man to do? There are two things a man may honestly do. The first is, to stand by the Constitution; the other is, to renounce it—to renounce it *in toto*, surrendering its benefits at the same time that he rejects its burdens. If I believed with Garrison, that the Constitution was a "compact with Hell," I should be with Garrison a disunion-

ist—an open and avowed one. But Garrison blends with his fanaticism a sense of justice; he is not a sophistical trickster. He holds, I suppose, to the old maxim, "Give the Devil his due." Certainly it has not entered his mind that we may adhere to the compact where it is for our advantage, and repudiate it where it is disadvantageous; take the benefit of stipulations in our favor, and decline to execute those that are unfavorable; receive the reward of iniquity, and refuse to do the iniquitous service. To his mind, as to mine, the issue is, the constitution or no constitution—union or disunion. He chooses the latter alternative. He is consistent in his madness; he is respectable in his folly.

But there are those who teach that the contract to deliver fugitive slaves is contrary to the law of God, and therefore null and void; and that in swearing to support the Constitution this clause may be considered as stricken out. This theory, I believe, had its origin in an Abolition Convention, held at Buffalo. I shall not attempt its refutation, for I do not think it worthy of a very serious or respectful notice. It does not seem to me respectable. To my vision dishonesty is stamped upon its face. In one of Pascal's Provincial letters, the question is raised, whether one may honestly retain the price of murder. The Jesuit answers the question with a distinction. "If," says he, "the party have fairly killed his man he may do so, but otherwise not." I agree with the Jesuit upon the latter point. If the bargain be sinful, it is our business to refund the consideration money. If we make a contract, swear to perform it, and receive and retain the stipulated price of our engagement, we cannot purge ourselves of wickedness by a violation of faith. The paths of righteousness are not strewn with perjury.

I grant no new guarantees; I make no new compromises with slavery. I stand by those our fathers made. I stand by the Constitution and the compromises of the Constitution. He who will not do so is a disunionist—a bold one if he avow his purpose, a skulking one if he deny it. I am for the Union, and consequently for the faithful discharge of all our constitutional duties; and as I hold this to be a paramount principle, I would not recognize any organization, nor countenance any party that should refuse expressly to acknowledge and enforce it.

It is idle to sing praises to the Union and rail against the Constitution. That is no true worship. It is the Constitution that makes the Union; they are inseparable. Neither can we support the Constitution by piecemeal—picking out the parts that please us. As well might a man lecture his wife on the blessings of matrimony after he had driven her from his bed and board.

I do not doubt, sir, that there are good men, strongly opposed to slavery, and as strongly attached to the Union, and who desire to discharge their obligations to God and to man, who are disturbed with scruples as to their duties under this provision of the Constitution. There is something strongly repugnant to their feelings in the arrest and surrender of a fugitive, not from justice but from servitude. I respect such scruples. I think, however, that they have their origin, partly in an error as to the character of the constitutional requisition, and partly in a shallow philosophy, that confuses the boundaries that separate the acts of

which private conscience is the guide, from those which it falls within the province of Government to direct. If governments be legitimate they have their functions; and to laws passed in the exercise of such functions obedience is due. This is a duty enjoined upon us equally by reason and Christianity. It is not a harder thing to surrender a fugitive slave than to hang an innocent man; yet where the question of guilt or innocence has been determined in accordance with prescribed forms, it is the duty of the sheriff to execute the sentence of the law. Equally, in my opinion, is it the duty of a soldier to fight in battle, without subjecting to a preliminary review the judgment of his Government in declaring war. Otherwise, if every individual in the community were to sit in judgment on the acts of his Government, and to obey or disobey according to his notions of what the law ought to be, we should be exposed to anarchy at home and undefended against aggression from abroad.

I have chosen to speak very plainly upon this point. It is not a time when a public man can be excused in paltering to a vitiated sentiment, though having its origin in a benevolent impulse. The sworn defenders of the Constitution have active as well as passive duties to perform. That power, greater or less, over popular opinion, with which their trust invests them, cannot be more usefully employed than in checking the growth of a belief that the laws of religion and morality enjoin the violation of the Constitution.

But in what has the North offended? Is it in the administration of the law? Have judges and jurors been false to the trusts imposed upon them? If this were so, the charge would have been distinctly made, and we should have had specifications. Their absence, as well as positive evidence on the other side, leads me to the belief that there is no ground for complaint in this respect. Certainly we are not to blame if slaves sometimes run away, nor if, having run away, it is not easy to get them again. This is an inconvenience inseparable from that description of property. Neither are States to be censured for the occasional acts of individuals in enticing slaves from their masters. Such acts are usually done in the slave, and not in the free States, and their prevention is utterly out of the power of the latter.

But it is said that the northern States have passed laws that have made the constitutional provision referred to a nullity. How is this? I will not undertake to justify all the laws that may have been passed upon this subject by legislatures of the northern States. I believe even, that in this respect there is ground of complaint, though much exaggerated. But I have two remarks to make upon this point. The first is, that it is by no means true that all, or nearly all, the northern States have passed laws of the character chiefly complained of; which I understand to be those laws prohibiting State officers from acting in execution of the act of Congress. Particularly my own State, though often unjustly accused, has no such legislation upon her statute book. The second remark that I have to make relates to the circumstances under which these laws were enacted. They were passed in consequence, I will not say of the decision, but of an opinion expressed and delivered as that of a majority of the judges of the Supreme Court of the United States, that the States

have no power to legislate under the provision relating to the extradition of fugitive slaves; and that all laws passed by the States, suspending for an instant, though for judicial investigation, the right of the master to the immediate possession of his slave, were null and void. Under such circumstances, several northern States, finding themselves discharged from the obligation of acting in aid of the constitutional provision, and denied virtually the power to protect the liberties of their own citizens, chose to devolve exclusively upon Federal officers the execution of the act of Congress. Without this, under the decision of the Supreme Court, as generally interpreted, and under the act of 1793, every justice of the peace in the United States (and there are several thousand of them in my own State alone) might, upon affidavit taken either before him or any other justice, grant a certificate, which would authorize any colored man to be carried, as a slave, out of the State of his residence; and any interference, by any judge or court, by habeas corpus or otherwise, might expose the persons so interfering to a penalty of five hundred dollars. This is a plain statement of the case, and I submit whether it does not excuse, if not justify, the laws referred to.

But how can a law of a State legislature make a provision of the Constitution of the United States a nullity? If I am not mistaken, the Constitution of the United States contains a provision that the Constitution, and laws of Congress made in pursuance thereof, shall be the supreme law of the land, "anything in the constitution and laws of any State to the contrary notwithstanding." Either, then, these laws are consistent with the Constitution, and if so, no aggression; or else, if contrary to it, it is they, and not the Constitution, that must fall.

It may happen to any State to pass an unconstitutional law. This Government could not long endure if there were no remedy for that evil. Our courts are open to every suitor; we never obstruct access to them. If you are dissatisfied with their decisions, a tribunal sits below that is the final arbiter. No northern State has ever refused obedience to its mandates.

It is not so with at least one southern State. South Carolina has passed a law affecting free persons in northern States, which we regard as unconstitutional. She imprisons free black men of the North, who, in the exercise of a lawful calling, enter her ports. Of this we might not complain if she would submit her legislation to the test that the Constitution has provided; but her courts are closed by violence. Even if you will offer for this the plea of necessity; by what reasons will you justify before any forum the provision by which you order to be sold as a slave the man who wants money to pay the charges of an illegal imprisonment?

It is the first duty of a State to protect the liberty of the meanest who renders her allegiance. If Massachusetts and South Carolina were towards each other as foreign States; if there were a treaty between them containing stipulations similar to the provision of the Constitution of the United States, securing to the citizens of each State "all privileges and immunities of citizens in the several States;" if there were besides a provision for the arbitrament of differences; and if, under such circumstances, the conduct of South Carolina had

and, indeed, as things are now moving, he thinks they will not be required to secede. Agitation, if not

this country when the word slavery shall be a word without a meaning; and when those whose efforts

been precisely what it has been under the Constitution, it would have afforded a just, and if persisted in, a sufficient cause of war.

We say little of this. We are condemned by many at home on account of our silence. I only refer to it now in answer to charges of aggression.

Let me say, in conclusion, that the Supreme Court of the United States having decided that it is the duty of Congress to pass the necessary laws to carry into effect the constitutional provision relative to the delivery of fugitive slaves, I acknowledge the obligation, and am ready to discharge it according to my best judgment. If, in consequence of the legislation of a portion of the States, or for any other reason, you have lost the remedy you formerly possessed, we are bound to give you

a new one. But in this connection I recognise also, and mean to discharge, another duty; and that is, to protect the rights of the inhabitants, of whatever color, of my own State. No bill can receive my sanction which shall not guard by sufficient securities the personal liberty of free blacks. To do this, and at the same time to give you what you have a right to, an efficient remedy, is not without difficulty; but the difficulty is not insuperable, and I shall, in good faith, endeavor to overcome it. I beg you also to remember, in demanding your rights, that it would be baseness in us to abandon the humblest who dwell under our laws; and I say to you, in frankness, that it appears to me a less evil that a master should lose his slave than that a man born free should be reduced to slavery.

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S P E E C H

no. 3

OF

MR. JOHN A. KING, OF NEW YORK.

ON

THE ADMISSION OF CALIFORNIA;

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 4, 1850

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SPEECH.

Mr. CHAIRMAN: The war with Mexico, the triumph of our arms, and the acquisitions of the vast and distant territories which were the result of both, have been the fruitful source of the trouble and excitement which has prevailed throughout the country, and whose distracting influences have found their way into these halls of legislation. For more than five months a debate, at times of great warmth and sharpness, has occupied the time of the Representatives of the people. The admission of California, and the policy which shall prevail respecting the territories which came to us by the treaty with Mexico, have opened a wide field of debate; and the question of slavery, as it exists among us, and as it is sought to be extended, has been freely canvassed, assailed and defended. Its early history, its spread and influence since the adoption of the Federal Constitution, have been examined and discussed with much ability and research. I do not propose to say much more on these several heads, nor to call in question, any further than a fair discussion will warrant, the opinions of those who differ with me on this absorbing and difficult subject.

After a long interval of repose, a new settlement of these vexed questions is unitedly and firmly demanded by the South; and its friends are again urged to a vigorous and concerted movement to assert and defend to the last its claim to an equal right and share in the lands and territories which, by the strong hand of war, were wrested from Mexico. In order to come to a safe conclusion in reference to the right and justice of such a claim, it may be perhaps allowed that the opinions of the past, and of the early days of the Republic, may be referred to as sure and intelligent indications of the sentiments and views of those days. I propose, then, to go back for a moment to the period of the confederation and of the convention which formed the Constitution of the United States, and ascertain what were the opinions of the wise and patriotic men of that day on the subject of slavery. The articles of confederation contain no provision for the surrender of slaves who might escape from their masters into other States; nor is slavery mentioned or alluded to in the articles, except in restricting certain rights and duties to free white people. The sole provision respecting representation in Congress under the confederation was, that no State should be represented in Congress by less than two nor by more than seven delegates, the manner of appointing them to be as each State legislature should direct, each State to have one vote. The contribution

of the States to the public Treasury was to be according to the value of the improved and surveyed land, and the military quota in proportion to the number of white inhabitants in the same. Hence it is obvious, these being the only provisions in the articles of confederation bearing on this subject, that neither slave representation was claimed, nor taxation in proportion to the number of slaves, nor, indeed, as to any property other than surveyed and improved land, nor was there any claim entertained for runaway slaves. Such was the state of things when the convention which formed the Constitution of the United States assembled on the 14th of May, 1787, at the city of Philadelphia. On the 20th of May, Edmund Randolph, of Virginia, offered his series of resolutions for consideration—the second of which declared that the right of suffrage in the National Legislature should be proportioned to the quota of contribution, or to the number of free inhabitants, as the one or the other may seem best, in different cases. On the same day Mr. Charles Pinckney, of South Carolina, also laid before Congress his draught of a constitution—the 3d article of which provides, that the members of the House of Delegates shall be chosen every — years by the people of the several States, and the qualifications of electors shall be the same as those of the electors of the several States for their legislatures; and in article 6th it provided, that the proportion of direct taxation shall be regulated by the whole number of inhabitants of every description. It contained no provision for the surrender of fugitive slaves, although it did for fugitives from justice. On the 30th of May, to Mr. Randolph's second resolution, defining the right of suffrage, Alexander Hamilton moved an amendment, that the right of suffrage in the National Legislature ought to be proportionate, and not as under the confederation.

Rufus King, on the 11th of June, moved that the right of suffrage in the first branch of the National Legislature ought not to be according to the rule established in the Articles of Confederation, but according to some equitable ratio of representation—which was adopted, 7 to 3. Mr. Rutledge, of South Carolina, moved to add, “according to the quota of contribution.” Mr. Wilson, of Pennsylvania, seconded by Mr. Charles Pinckney, of South Carolina, moved to postpone the amendment, and substitute the following: “In proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in such State;” which was adopted, 10 to 1. The unanimity of this vote denotes that Mr. Wilson acted in harmony and after consultation with the members of the convention generally, and that Pennsylvania has the merit, or responsibility as it may be viewed, of having first proposed a representation of slaves in the proportion of 5 to 3. On the 28th of June, the point of difficulty, that of determining the equitable ratio of representation, was reached. The smaller and less populous

States were unwilling to settle that point until they could secure equality of representation in the other branch, the Senate. Accordingly, it was moved and carried to postpone the residue of the resolutions, and take up the substitute for the eighth resolution, viz., "that in the second branch of the National Legislature each State should have an equal vote." It was debated on the 29th and 30th of June; and on Monday, the 2d of July, the question upon it was taken and lost, 5 to 5—Georgia divided; Connecticut, New York, New Jersey, Delaware, and Maryland, aye; Massachusetts, Pennsylvania, Virginia, North and South Carolina, no—the big States of that day against the little ones. The whole matter was then referred to a committee of one from each State; and on Thursday, the 5th of July, Mr. Gerry reported a recommendation, among other matters, "that each State should have an equal vote in the second branch of the Legislature." For another part of Mr. Gerry's recommendation, relating to the suffrage, Mr. Rutledge, of South Carolina, proposed to substitute the following words: "that the suffrage of the several States be regulated and proportioned according to the sums to be paid towards the general revenue by the inhabitants of each State respectively," which failed—South Carolina alone voting for it.

Here we see South Carolina proposing in vain taxation on property, and not population, as the basis of representation. The representative value of slaves as inhabitants was renounced by her completely by that proposition. But the amount of property (which would include slaves) in South Carolina was such as that, upon the proposal of Mr. Rutledge, her representative strength in Congress would have been greater probably than on the basis of three-fifths of the slaves. But with the growth of other States, (New York especially,) the proportion of South Carolina would have been diminished.

This proposition is chiefly important in showing that slavery was not the interest then sought to be protected, but relative political power, of which the amount of taxation paid by each was to be the measure. On the 7th of July, the clause giving an equal vote to each State in the Senate was passed—ayes 6, noes 3: Pennsylvania, Virginia, and Maryland; and Georgia divided. On the 29th of August, the draught of the Constitution, as reported and amended, was adopted, with the additional provision, for the first time proposed, for the surrender of fugitive slaves, which was passed unanimously.

Such were the proceedings of the Congress of the Confederation, and of the convention that framed the Constitution, upon and in reference to the question of slavery. The inference from this statement is, that slavery and slave representation, as elements of political power, were little regarded at that time; but that the absorbing question of that day was one of relative political power, as between the great and small States, and not between the free and the slave States; that direct taxation was to be based on property, and representation on the three-fifths principle. This inequality in the apportionment of repre-

representatives was not misunderstood, however, at the adoption of the Constitution, and the concession was then believed to be a great one, and has proved to have been the greatest which was made to secure the adoption of that instrument. But as no one anticipated the fact that the whole revenue of the country would be derived from indirect taxes, but believed that a part of the contribution to the common treasury would be apportioned among the States, by the rule for the apportionment of representatives; this provision of the Constitution was finally, but reluctantly, acquiesced in. The South has, so far, with few exceptions, enjoyed the full benefit of the representation secured by it, without having been called upon to pay direct taxes towards the support of the Government. As time rolled on, and the productions of the South have increased in value, so also have the number and value of her slaves; and with both, her influence in the Union and in the Halls of legislation. Always united where her interest is concerned, with able and far-seeing statesmen in the lead, she has ever divided the North, whose interests are various, and whose political divisions have, at all times, greatly aided her efforts in this steady purpose. Hence new territories have been acquired, whose climate, soil, and production, are favorable to slave labor. Hence her ascendancy in the Senate has been carefully guarded and preserved. The acquisition of Louisiana and of Florida, the annexation of Texas, and the war with Mexico, each and all, are the result of the influence and policy of the South. The peace with Mexico has given to us other territory of great extent, the climate and soil of which are, in many parts, well adapted to the labor of slaves. The management of this new property of the nation, the admission of California, which forms a part of it, and the policy which shall be pursued towards New Mexico and Utah, are now the subjects for deliberation and settlement.

The South demands, as due to her rights and honor, to carry slaves into those Territories, or at least that no limitation should be placed by Congress on her rights in this respect. The North resists this claim on the part of the South, as the territory is free by the Mexican laws, and should not be allowed to change that condition. The North resists the extension of slavery upon various grounds—that the power of a nation to put down insurrection and repel invasion is weakened by the extension of slavery; that the moral sentiment of the people of many of the States is opposed to it; that the political and legislative power of the country have been controlled and made tributary to its influence; that there are limits, besides, within which our federal system must stop, and for the preservation of which we must diligently plant and cherish the principles of liberty in the new States which may be formed without our ancient limits. Upon principles of public policy, the North is opposed to the extension of slavery; and, as its varied labor is affected by the legislation of Congress, in which the united vote of one great section of this country is too

often found in opposition to the protection of its labor and industry, in interest, too, the North is opposed to the extension of slavery.

Since the admission of the State of Missouri a long repose has prevailed on the subject of slavery. Then the full power of Congress over Territories and new States was distinctly affirmed and vindicated—then, for the first time, was the admission of new States considered and treated as a question of political power. Missouri was admitted, and a great principle of freedom was compromised and limited by degrees of latitude; but the power of Congress, its complete power to accept or refuse the admission of a new State, except upon such conditions as it might prescribe, was nevertheless thereby affirmed. As Congress alone may admit new States, Congress therefore may prescribe the terms upon which their admission may be made; and may in her wisdom require, as a condition of their being received, that slavery shall be forever excluded. If the State consents, her people are bound, in good faith and honor, upon which all compacts rest, and by which the obligations of treaties are enforced, to abide by the same. Such was the nature of the compact between the original thirteen States and the people and States of the Northwestern territory—forever to remain inviolable except by common consent—called the Ordinance of 1787.

Missouri was a part of Louisiana, in which slavery existed at the time of its cession to the United States. Yet did Congress affirm the power to restrict slavery from all parts of the said province lying north of $36^{\circ} 30'$, and not included in Missouri; and, if north of that line of latitude, could have and would have within Missouri itself, except for the compromise.

Now, what is asked by the free States? Not that slavery shall be excluded from Territories where it exists, but forever to close those where it does not exist, but where it is, by the Mexican law prohibited, against its introduction—a far less exercise of the power vested in Congress than was claimed and carried out in the admission of Missouri. The compromise in that case was sternly resisted by the free States; but, as it prevailed by the accustomed course of legislation, it was then and has since been acquiesced in as far as it went. The recent acquisitions from Mexico, and the declared purpose on the part of the South to go there with their slaves, has again roused the people of the free States to prevent, if they could by the action of the National Legislature, the establishment of slavery in those Territories. This is now the issue. The free States have, with great unanimity, declared against the extension of slavery to these new and distant regions.

We are told that, to the South, this question is one in which they not only feel the deepest interest, and have equal claims, but that it is also with them a point of honor. I can and will respect a point of honor, but against it, in this instance, I place one of principle; which should yield? Various plans are proposed for the settlement of the difficulties in which the acquisition of these Territories

have involved us. California has decided for herself, and asks for admission. The President recommends that we should receive her as she presents herself, and that we leave to time and the decision of the people of New Mexico when and in what manner they may ask for admission as a State. A distinguished statesman in the other branch has proposed a compromise, or adjustment as it is called, of these and other questions growing out of the annexation of Texas, and her claim to the greater part of New Mexico, embracing, also, other questions in which slavery and its regulations are concerned. We are told by him that the country is bleeding from many wounds; that the plan he proposes will staunch the blood, and bring healing in its provisions; that the recommendation of the President is incomplete, because it provides no remedy, no cure, for all these wounds; that the case is one of imminent peril; and that he proposes the specific which will afford a general and permanent relief.

While I admit the spirit and the power which still animates the veteran and patriotic statesman who boldly proposes, and ably defends his plan against that of the President, and against all important amendments, come they from whence they may; while I acknowledge my unfeigned respect for him, and my high estimate of his long and distinguished public service; yet am I bound in equal frankness to declare, that I prefer the recommendation of the President to the bill of compromise reported by him to the Senate. The matters to which they both refer demand a settlement at our hands; those which relate to the admission of California cannot admit, with safety, of much longer delay. How shall this be accomplished? The plan of the Senate's committee embraces many and different subjects; some of which demand immediate, others a more deliberate examination and decision; and none have any necessary connexion with the admission of California, the great object and desire of a vast majority of the American people. We are told the country suffers from the state of its public and domestic affairs; that we have treaty obligations to fulfil with Mexico, and with the people who have elected to become citizens of the United States; and that the civil power should replace in New Mexico the authority which now protects the people, and guards the frontiers of that Territory. We are told, also, that the boundaries of New Mexico can be preserved and maintained by the payment of a large sum of money to Texas; that further protection must be given to the master, to enable him to claim his fugitive slave, and that the slave trade in the District of Columbia should be abolished. These are the various and dissimilar subjects with which the admission of California is sought to be indissolubly connected. If I saw despair and doubt in the public mind—if I could perceive the bleeding wounds in the body politic—I might hesitate and doubt about the course to be pursued; but when I behold, in every section of this great Republic, health, repose, prosperity, and hope, I look with renewed confidence to the pilot at the helm, and in him, and in his counsel, believe that there is safety.

The recommendation, then, of the President, carries with it at once the authority and weight which his station and constitutional duty necessarily impart to it. Above the reach of those influences which sometimes sway the judgment of others, he brings to the examination and decision of this question a sound, moderate, and disinterested purpose; a character of tried integrity and firmness, and a judgment which has, so far, never deserted him, in circumstances and difficulties which demanded a prompt and clear decision. So far as I can judge, the policy he recommends is wise, patriotic, conciliatory; practical, and unembarrassed by details and conflicting questions; giving no triumph to either side; the best, therefore, in the present state of the public feeling, and that which can alone receive the support of a great majority of the American people. Let California, then, be received; let the Territories wait. Better far that they should be delayed than that the Union should be endangered. By awaiting their action all causes of uneasiness may be avoided, and confidence and kind feeling restored. Time, the great solver of all difficulties, aided by the deliberate judgment of the people of those Territories, will settle the question which now agitates and perplexes the public mind, more wisely and happily than we can by our legislation on the subject.

Let California be received, let her come alone; it is due to usage, to her people, to her rights as a sovereign State; for such she is, and never can be less. Who are they that have thus patiently waited, and still ask for admission? Are they not our sons, the strength of our loins; the ardent, the young, the brave, the wise? What a noble illustration does the constitution they have adopted afford of the habits of free government and lawful order. A most promiscuous assemblage of men, thrown upon a foreign and a distant shore, with only one pursuit, and that of gold, the most corrupting, in a country without government or law, quietly co-operating, without tumult or violence, to select members of a convention which was to give them a constitution; that convention meeting, organizing, deliberating, and deciding—under no sanction, with no protection or authority but the public opinion—and ultimately forming a constitution, wise and conservative, which was adopted by the votes of nearly all the people; which, when adopted, went into immediate effect, and became at once a law for those who before were exempt from all law; under which Senators, Members of Congress, and of the Legislature, and officers of the State government, were regularly and quietly chosen, and thus became a well-constituted and well-regulated republic, complete at its birth, and awaiting only the consent of its sister republics to take its equal station with them in the glorious Union which constitutes us one great nation. Such a series of facts as these, at a moment when the older nations of continental Europe, after a period of suspense, bloodshed, and ruin, all encountered in the name and for the hope of liberty, seem to be contentedly relapsing into military despotism, should appeal irresistibly to an American Congress for acknowledgment and sympathy. To

weigh against a State, thus presenting herself, technical informalities, and, still worse, to oppose the admission of such a State, unless pledges can be wrung from her supporters favorable to slavery, is so gross, so palpable, a wrong, so unusual in all other instances, so dishonoring to her, that it can never receive the sanction of the representatives of the American people. Alone, and free, then, let her come, proclaiming, by that noble provision of her constitution, that the shore of the Pacific, within her boundaries, shall never support the foot of a slave; a noble inheritance, for which, in aftertimes, her children will bless their birthright and our national sanction and acknowledgment. Thus, too, will the stain, which was affixed by the mother country to the Atlantic shore, be atoned for and redeemed by the adoption of this charter of liberty, which her descendants, in these days, have spread over and along the shores, the mountains, and the valleys of this distant coast.

Allusion has been made in the course of the debates in this and the other House to the opinions and votes of one whose name it is my chief honor to bear—of one who, during a long public life, faithfully served the country that he loved, and the Constitution which he assisted to frame, the occasion may therefore be a fitting one, and filial piety not an unfitting motive, for now seeking to do justice to the early, steady, and consistent course of Rufus King on the subject of slavery. On the 16th of March, 1785, soon after he took his seat in the Congress of the Confederation as a delegate from Massachusetts, that ancient and honorable Commonwealth, he laid upon the table and moved to have committed the first resolution ever presented to Congress for the *immediate* and absolute prohibition, then and forever, of slavery in the States north-west of the Ohio, and which, with slight alteration, was incorporated into the ordinance of 1787, for the government of the Western Territory, by his friend and colleague, Nathan Dane. Born in Massachusetts, he early came into the councils of the nation, deeply imbued with the spirit of his native State, and ardently attached to the nation, whose birthright he had helped to assert in arms, he felt that freedom was, and must be, the corner stone of its prosperity, glory, and power, and his first permanent public act was to lay the broadest basis for that corner stone, by impressing upon the fine region beyond the Ohio, yet unpeopled, the unchangeable condition of individual freedom, by forever excluding and prohibiting slavery within its boundaries. Ever true to the Constitution, and to all the obligations which it imposes, he never shrunk from the performance of all the duties, in peace or in war, which his station in the public councils at home, or as the Representative of his country abroad, required at his hands. When returned to the Senate of the United States in 1819-'20, the application for the admission of Missouri was under discussion. He was instructed by the legislature of his State to resist the admission of Missouri as a slave State; the public opinion of his own people coincided with his own, to forbid such an extension of slavery; and strong in his own convictions, in the

public opinions of his State, in the direct and positive instructions of the legislature of New York, he opposed in calm but effective argument the compromise of a great principle for temporary expediency. Missouri was admitted, and the compromise prevailed. But true to his early principles, and as each revolving year showed more clearly to his practised judgment the evils of this agitating question, he determined to make a last effort in the cause which had called forth his first effort in the Congress of the Confederation, and he accordingly laid upon the table of the Senate in 1825, on one of the last days of that session, with which, as he had previously announced, his career in the Senate would terminate forever, a resolution proposing to set apart all the public lands of the United States, together with their nett proceeds, as a perpetual fund for the emancipation and removal of the slaves of the United States under the sanction and the laws of the several States where slavery existed.

It was a great and generous offering in the name of the free States to the South, that if they would consent, the freemen of the States where slavery was unknown, would relinquish their share of this magnificent public domain of the public lands, held in common trust, in compensation to the States where slavery existed, for the surrender and exportation of the slaves within their respective limits. Mr. Chairman, with such an example before me, with principles such as he announced and maintained to guide me, I cannot hesitate, I cannot doubt, respecting the course I should pursue upon the questions before us. The opinion which he held upon the subject of slavery are mine, by precept and inheritance; mine, as the result of my own convictions, as reflected in the sentiments of my constituents, as embodied in the resolutions of the legislature of my State; and in the discharge of my public duty I acknowledge, and will obey without hesitation, all these powerful influences.

Much has been said in the course of the long debate respecting the ordinance of 13th July, 1787, and especially of that ever living principle of liberty which is contained in the 6th article. This noble ordinance, full of the wisdom and the forecast of the great and good men of that day, was enacted by the votes of all the States present on that memorable occasion, and has become the foundation of numerous States, the proud boast of millions of freemen; of it, it has been declared, that it was the cloud by day, and the pillar of fire by night, to the rushing multitudes that then and since have sought a resting place in the vast and fertile regions of the West. The establishment of this ordinance over the Western Territory restricted and fixed the limits of slavery in those days, for it embraced within its provisions and influence all the lands and territory not then included within the boundaries of the thirteen States, and is the great landmark of that day; and still, and for all time to come, the enduring witness of the opinions of the wise and enlightened statesmen who framed it, that slavery should have its limits.

Before I conclude, I would ask the indulgence of the committee to refer to

the claim which Virginia has often made, and which has been recently renewed in these Halls, to have possessed, and to have ceded of right, the great territory northwest of the Ohio; and in virtue of that cession to have claimed, and to have had awarded to her, the merit and the honor of having been the mother of the mighty States and of the numerous people who now inhabit, and hereafter in greater numbers are to inhabit and possess, this rich and fertile portion of our common country. I desire, in the name and in behalf of the State of New York, to assert and vindicate her just claim and right to the territory northwest of the Ohio, and south of the great lakes, and to ask that to her may be awarded, if my proof shall sustain them, the credit and honor to which her cession of this territory on the 1st March, 1781—the first that was ever made for the common use and benefit—so eminently entitle her. Her act of cession bears the impress of her generous and patriotic feelings, and of her high devotion to the cause of the country and the union of the States. It was accepted by Congress the 29th Oct., 1782.

I proceed to state, as briefly as I can, the grounds upon which I claim for New York the right to this territory. When the Revolution began, and the Declaration of Independence was made, two parties sprung up about the right to the western lands. One maintained that the States respectively had succeeded to the Crown lands within their limits; the other, that the confederacy or nation had succeeded to the rights and property of the Crown, as a common fund. Mr. Madison held the former; Mr. Hamilton the latter opinion. This difference of opinion soon found its way into the Congress of the Confederation, and deeply agitated it and the several States, until it was finally settled. In 1777 the articles of confederation were presented to the States, leaving the question of claims to the Western Territory unsettled. Massachusetts and Connecticut claimed a large extent of territory beyond the Ohio; New York claimed the whole beyond the Alleghanies; so did Virginia, and the Confederacy also claimed all of it. In 1776, Virginia formed her constitution and embraced within her limits all this Western Territory. Against this assumption of title in her constitution to this territory New Jersey and Maryland especially, objected, and opposed the whole claim of Virginia with great pertinacity, and required that Congress should ascertain and fix the limits westward, to the States claiming to the Mississippi and South Sea. Congress called upon the States to cede their claims to the Western Territory. At that time seven States asserted claims to portions or to the whole of said territory. The State of New York was the first to respond to the invitation of Congress; instead of remonstrating, she did then, as she has ever done since, when the interest and the safety of the country was at stake—she surrendered, without conditions, her rights on the altar of that country, and in February, 1780, passed an act authorizing her commissioners to cede to the Confederation all the lands claimed to have been within her limits and jurisdiction, for the purpose, as its title bore, of facilitating the

completion of the articles of confederation and perpetual union among the United States of America. On the 1st of March, 1781, she ceded her soil and jurisdiction to the western lands ; and on the 29th of October, 1782, Congress accepted the cession. January 2d, 1781, Virginia passed an act ceding her claim to the western lands on eight conditions. The act of cession of New York, of Virginia, and Connecticut, the declaration and instructions of Maryland, and the remonstrance of Virginia were referred to a committee of Congress, whose report and resolutions were presented on the 1st of May, 1782, and adopted, to the following effect, that Congress do, in behalf of the United States, accept the cession of the State of New York, for the following reasons, that it clearly appears to your committee that all the lands belonging to the Six Nations of Indians and their tributaries have been, in due form, put under the protection of the Crown of England by the said Six Nations, as appendant to the late government of New York, as far as respects jurisdiction only ; that the citizens of said colony have borne the burthen both as to blood and treasure in protecting and supporting the said Six Nations and their tributaries, for upwards of one hundred years last past, as dependants and allies of the said government ; that the Crown of England has always considered and treated the country of the said Six Nations and their tributaries, inhabiting as far north as the 45th degree of latitude, as appendant to the government of New York ; that the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognised and admitted the said Six Nations and their tributaries to be appendant to the government of New York ; that by Congress accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations of Indians and their tributaries, will be vested in the United States, greatly to the advantage of the Union ; that Congress do earnestly recommend to the States of Massachusetts and Connecticut to release, without delay, to the United States, all claims and pretensions of claim to the said western territory, without any conditions or restrictions whatever ; that Congress cannot, consistently with the interest of the United States, the duty they owe their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia or guarantee the tract of country claimed by them in their act of cession." The eighth condition of which required that "all the territory southeast of the Ohio, included between the boundaries of Pennsylvania, Maryland, and North Carolina, to the Atlantic, should be guaranteed to Virginia by the United States; and in reference to which the committee reported that Congress could not agree to guarantee to the Commonwealth of Virginia the land described in said condition, without entering into a discussion of the right of the State of Virginia to the said land. Conceiving this condition of a guarantee to be either unnecessary or unreasonable, inasmuch as, if the land above mentioned is really the

property of the State of Virginia, it is sufficiently secured by the Confederation; and if it is not the property of that State, there is no reason or consideration for such guarantee."

On the 20th October, 1783, Virginia altered her act, and authorized a cession to the United States upon the terms and conditions of the resolves of Congress of 13th September, 1783; and on the 1st of March, 1784, Congress voted to accept the cession when the deed shall be executed; that was done, and the deed accepted by Congress.

The claim and jurisdiction of New York to this territory might be safely left for its vindication to the report of this committee and the action of Congress on this subject. But as a short reference to the history of Virginia, and to her claim to be the owner of this property, may clear the question of all doubt, I proceed to give it.

Virginia, during the Revolutionary war, set up a claim to the country beyond the Ohio river—her title to that territory was founded upon the charter of James the 1st, in 1609, commonly called the Virginia charter. That charter granted to a corporation under the name and style of the Treasurer and Company of Adventurers and Planters of the city of London, for the first colony of Virginia, "all those lands, countries, and territories in Virginia from Point Comfort, 200 miles northward and 200 miles southward along the sea-coast, and throughout from sea to sea, west and northwest." In 1624, the King caused a writ of quo warranto to be issued for an abuse of power by the corporation, and the patent was cancelled, and the franchise of the charter resumed by the Crown; and in August of the same year, the King appointed, by commission, a governor and eleven councillors to reside in the colony, to whom its affairs were committed. Thus ended the charter, and Virginia became a colony of the Crown, a creature of the royal will, subject to be enlarged or diminished according to the King's pleasure—and remained so until the Revolution. In 1670, Sir William Berkley, then, and who had been governor for 30 years, says, in reply to an inquiry of the Lords Commissioners of Plantations touching the colony under his charge, "as for the boundaries of the land, it was once great, ten degrees in latitude, but now it has pleased his Majesty to confine us to half a degree; knowingly I speak this." The colonies on the south, and Maryland on the north, had been granted out of the old chartered limits. To the question, what rivers are in your government; he replies, James, York, Rappahannock, and Potomac—giving half a degree, therefore, along the sea-shore, and in the interior, the land drained by the rivers—all east of the Alleghany mountains; this was Virginia of that day, as understood by one who was its governor for 30 years. The French claimed the country beyond the mountains as its first explorers and permanent occupiers, and England acquired by the treaty of Quebec with France, in February, 1763, the title to the country beyond the mountains that was claimed by France. The proclamation of the King of England, issued on

the 10th of October of that year, fixed the limits of Virginia as they then were, and as they were nearly a hundred years before, when Sir William Berkley gave his answers on the subject, and where they ever were under the royal government. Just before our Revolution, in 1769, it was seriously proposed by the Crown to establish a new province in that part of the territory between the Alleghany mountains and the Ohio river—embracing the present western Virginia and part of Kentucky—and no objection was made by Virginia to the project of circumscribing her boundaries; for in 1770, President Nelson, of the Virginia council, speaks of “it” as a colony to be established on the back of Virginia. The result of the arrangement between Congress and Virginia was, that Virginia surrendered the country beyond the Ohio to the Confederacy, and the United States left Virginia in the quiet possession of the country between the mountains and the river Ohio. And the title or claim of Virginia was taken for what it was worth, without examination by the United States into its merits, or production of proof of its validity by Virginia, which was waived by both parties.

And, now, Mr. Chairman, with a few words upon the union of these States, and the interest and pride which New York has and must ever have in its stability and power, I will close my remarks. The Constitution of these States, and the nation, which is its offspring, have not yet seen the limit of man’s brief life; yet in growth and power, in numbers and freedom, in happiness and blessings, it has no parallel in the annals of the world. Let no rude hand, no daring ambition rend asunder the ties which bind together so much individual, so much national prosperity, happiness, and independence. If there be among the confederated States of this Union, one whose stake is deepest in the preservation of that Union, it is New York. Faithful and true in peace as in war, she has known no change—her noble position, the enterprise of her citizens, the safeguards of the Constitution, and the power of the Union have made her what she is; she knows, she feels, and acknowledges her obligations in all these instances; as she cherishes, so will she ever defend the union of these States—as she has thriven, and grown powerful and great under the protection of the Constitution, so will she ever continue to uphold its provisions; her sons are freemen, and the liberty they enjoy they would transmit to their children; and while neither they, nor their representatives in this House would ever violate the rights of others, it is the settled, calm, and deliberate conviction and judgment of the vast majority of the people of that State, that the soil of freedom should never by their vote or act become the resting place of slavery.



SPEECH

OF

MR. M. P. GENTRY, OF TENNESSEE,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MONDAY, JUNE 10, 1850.

The House being in Committee of the Whole, and having under consideration the President's message in relation to California,

Mr. GENTRY addressed the committee as follows:

Mr. CHAIRMAN: Congress has been in session six months, occupied almost exclusively with the question now before this committee. Other questions of public interest, various and important, in their nature, strongly claim the attention of the legislative branch of the Government, but are excluded from consideration. By a war with Mexico we have acquired vast territories. By the treaty of Guadalupe Hidalgo we have bound ourselves to protect the people of those territories; to secure to them all the rights of citizens of the United States; and in due time admit them, as States, into the Union. Repeated efforts have been made to redeem our plighted faith in this regard, but in every instance causes, which I will develop in the course of my remarks, have prevented legislation. We begin to realize the truth that the policy of aggressive war—conquest and colonization—is not suited to the genius of our government. With our conquests there comes upon us the question, shall Congress prohibit or admit slavery in the Territories we have acquired? It is a question fraught with discord and danger. It has, in a great degree, alienated the northern and southern States, and made disunion a familiar word in our political vocabulary. It has paralyzed the Government, and threatens its destruction. The wisest statesmen and most sanguine patriots tremble for the safety of the Republic. What policy has brought us into these dangers? Who is responsible for the existing state of things? Who forewarned the country of this crisis? Who—what political party is it that, being solemnly forewarned, nevertheless blindly and recklessly persevered in steering the ship of state into its present perilous condition? These are questions which I propose to discuss with candor. I intend to speak what I think.

In debating so grave a subject, I would not, if left to choose for myself, introduce questions connected with party politics. But the course which gentlemen on the other side of the House have thought proper to pursue leaves me no choice in this respect. They have debated the subject for

six months, and nearly all who have spoken on that side of the House have labored to fix the responsibility for the existing state of things on the President of the United States. Differing widely as to the particular acts which are alleged to have produced the present state of affairs, they agree in ascribing them to him. While one gentleman urges that the existing difficulties are attributable to the position which he occupied when a candidate for the Presidency, another ascribes them to the advice which he has given to the people of California since his election; and others contend that all would have been well with us if he had announced in his annual message his purpose to veto any bill that might pass the two Houses of Congress inhibiting slavery in the Territories we have acquired from Mexico. The brief hour to which I am limited by a rule of the House will not permit me to repel, specifically, these discordant imputations; but I will endeavor to vindicate the President by exhibiting the true causes of the present state of affairs, and by fixing the responsibility where justice and truth require. I recognise the right of a representative of the people in the Congress of the United States freely to canvass the official conduct of the President, and every other Executive functionary, and hold them to a rigid responsibility for their official acts. It is a right limited only by such restrictions as truth, justice, and honor impose. If these virtues have not lost their influence upon the public mind, the verdict of the country will be, that the President is in no degree responsible for producing those evils which now excite the public anxiety.

To explain thoroughly and fully the causes which have produced the sectional excitements and animosities which now disturb the harmony of the Union and obstruct the legislation of Congress, it is necessary to go back to a period when the representatives of the slaveholding States, mistaking the true policy of the South, violently and vehemently opposed the reception and reference of petitions for the abolition of slavery in the District of Columbia, emanating from northern abolition societies, and finally succeeding in procuring the adoption, by this House, of a rule prohibiting the reception and reference of those petitions. Previous to the period to which I refer, efforts to agitate the public mind on the subject of slavery were

confined to a few fanatics in the non-slaveholding States, who, organized into abolition societies, were in the habit of forwarding to Congress, at every successive session, petitions for the abolition of slavery in the District of Columbia, where, as they contended, Congress had full power over the subject. They were few in number, and the great body of the northern people, of both political parties, neither sympathized nor co-operated with them. But the unwise course pursued by southern representatives with respect to their petitions imparted to that handful of fanatics a power and influence over public affairs which has largely contributed to bring the country into its present condition. Petitions on the same subject had, from an early period of the Government, been from time to time presented, received, and referred, creating no excitement in Congress or among the people. It were well for the country if the same mode of treating such petitions had been continued.

But, unfortunately, the southern members of Congress, under the lead of the late distinguished Senator from South Carolina, (Mr. CALHOUN,) opposed the reception and reference of those petitions, placing their opposition, if I remember correctly, upon the ground that the Constitution did not confer upon Congress the power to abolish slavery in the District of Columbia, and that the reception of petitions praying for such an object would be an implied assertion of the power to grant the prayer of the petitioners; that to admit the existence of such power in Congress would be fatal to the interests and rights of the slaveholding States; and that therefore the petitions ought not to be received. Their arguments prevailed; and the rule prohibiting the reception of such petitions was established. At that time, the late ex-President John Quincy Adams was a member of this House. Descended from a sire who had made himself illustrious by his public services in the Revolution—himself eminent for high ability and extensive acquirements—venerated, especially by the people of the northern States, for his private virtues and public services—he put himself forward upon this floor, with all the weight of influence naturally attaching to one so characterized and distinguished, as the champion of the constitutional right of petition. Distinctly declaring himself opposed to granting the prayer of the petitioners, he nevertheless contended that it was the right of the people under the Constitution “peaceably to assemble and petition for the redress of grievances;” and that it was the duty of Congress to respectfully receive, refer, and consider their petitions. With unexampled inflexibility of character, he devoted all his powers to the contest; and, after a struggle characterized by the most excited and disorderly debates on this floor, and protracted through a period of several years, that rule was rescinded. Since then, abolition petitions, as in the olden time, have been received and referred every day, or at least whenever any member has chosen to present them, without a formal motion, and without creating the least excitement here or elsewhere.

In the progress of that struggle thousands, ay, hundreds of thousands, of the people of the non-slaveholding States, who had previously scoffed and derided the Abolitionists, found themselves brought into sympathetic association and zealous co-operation with them. The unwise opposition of the public men of the South to the reception of their petitions had raised the Abolitionists into respectable and honorable associations, and enabled them to appropriate to their objects the seeming championship of Mr. Adams, and to identify themselves with a question that addressed itself powerfully to popular sympathies. Aided by the circumstances to which I have referred, they were enabled to give such a direction to political discussions as tended to

deepen, and strengthen, and diffuse, far and wide, the abstract sentiment of hostility to slavery pre-existing in the minds of the northern people. Meanwhile, southern demagogues, under the impulse of motives not dissimilar to those which actuated the Abolitionists, had been equally energetic and successful in arousing sectional passions and creating sectional hostility. It was when demagogues and fanatics had thus inflamed and excited the prejudices and passions of the North and the South, that the question of annexing the Republic of Texas to the United States was introduced into the politics of this country. Texas had proposed to annex herself to the United States during the administration of President Jackson, by whom the proposition was promptly rejected. She renewed the proposition during President Van Buren’s administration, who likewise promptly rejected it.

In the year 1840 William Henry Harrison was elected President of the United States, and John Tyler Vice President. In one month after he was inaugurated President Harrison died, and the Vice President became the President of the United States. I need not dwell upon the political events which followed that occurrence. They are fresh in the recollection of all who have paid any attention to public affairs. Mr. Tyler refused to co-operate with the political party which elected him, and, by a series of Executive vetoes, prevented the adoption of measures of public policy for which that party considered itself pledged to the country. They denounced him for dishonorable political infidelity; and, with the exception of some half dozen gentlemen, the Whig members of Congress placed themselves in hostile opposition to the President. Fierce and angry denunciations, criminations and recriminations, became the order of the day. In the midst of those exciting scenes, a distinguished Whig, who adhered to Mr. Tyler in that controversy, made a remark to me which produced a strong impression on my mind. Between that gentleman and myself very friendly relations had existed. He had exhibited some anxiety for me to take position with him in sustaining Mr. Tyler. In the conversation to which I am referring, he had been seeking to ascertain the disposition of my mind as to the policy of annexing Texas to the United States, and while speculating on that subject, he remarked, with great vehemence of manner, “Mr. Tyler holds in his hands a political question with which he can at any time destroy the present organization of political parties.” The full meaning of this remark was explained when Mr. Tyler concluded a treaty with Texas, by the provisions of which that republic agreed to surrender its nationality, and become one of the States of this Union, and when other developments showed conclusively that it was his aim, by means of Executive patronage, and the question of Texas annexation, to abstract from the Whig and Democratic parties materials for a third political party, by the support of which he hoped to be elected to the high station to which an accident had elevated him. The treaty being concluded and submitted to the Senate for its ratification, that body, after long debate, refused to ratify it. It was supported and opposed, indiscriminately, by Whigs and Democrats. It disturbed, but did not destroy, the existing party organizations.

The period was approaching when the political parties of the country were to assemble in convention for the purpose of nominating candidates for the Presidency and Vice Presidency. For this purpose the Whig party and the Democratic party, respectively, assembled in convention at Baltimore; and Mr. Tyler mustered an assemblage there also, about as numerous and respectable as that famous company with which Falstaff was ashamed to march through Coventry. Previous to the assembling of

the conventions, the universal sentiment of the Whig party had designated Mr. Clay as their candidate for the Presidency; and, with equal unanimity, Mr. Van Buren had been indicated as the favorite of the Democratic party. Each of these distinguished gentlemen were requested to make known to the public their views as to the policy of annexing Texas to the United States; and both of them proclaimed their opposition to that measure. The Democratic convention, seeing that, without some new question capable of unsettling the opinions and purposes of the people with respect to political parties and public men, they were doomed to defeat, repudiated Mr. Van Buren and nominated Mr. Polk, because he had expressed himself in favor of annexing Texas. The Whig convention, without a dissenting voice, nominated Mr. Clay. Mr. Tyler's convention performed the work for which they were convened by nominating him; but when that gentleman discovered that the Democratic party had robbed him of the hobby with which he had expected to ride triumphantly into the Presidency, he withdrew from the canvass. The Democratic party entered upon the canvass with the motto inscribed upon their party banner: "THE WHOLE OF OREGON AND THE ANNEXATION OF TEXAS."

Mr. Chairman, I am endeavoring to exhibit the causes which have brought the country into its present difficulties, and to fix the responsibility for the existing state of things where truth and justice require it to be fixed. Want of time will not permit me to present all the facts needful to a full comprehension of the argument. I beg gentlemen to remember all that the iron rule of this House prevents me from detailing. They will remember the position occupied by the Whig party with respect to the annexation of Texas, when, in the manner I have described, that was made a purely party question in the Presidential canvass of 1844. They will remember the views put forth by the Whig candidate (Mr. Clay) in his Raleigh letter. They will remember that the prominent men of the Whig party, with few exceptions, everywhere opposed that measure, upon the ground that annexation would be a breach of faith with Mexico; that it would probably involve the United States in a war with that government; that it would create among our people an appetite for territorial aggrandizement that would be insatiable; that it would engender between the States sectional animosities, and imperil if not destroy the Union. What was prophecy then is history now. Their warnings were unheeded. Mr. Polk was elected to the Presidency, and, under his auspices, the measure of annexation was consummated. Mr. Calhoun, who was Secretary of State when the treaty with Texas was negotiated, placed the policy of that measure upon the ground that it was necessary as a means of giving additional security to slavery, by increasing the political power of the slaveholding States. The northern States, opposed in sentiment to slavery, and unwilling to concede preponderance of political power to the southern States, were naturally hostile to annexation; and although they sullenly acquiesced in the consummation of that measure, it was obvious to all that a deep feeling of discontent rankled in their bosoms.

The war with Mexico followed close upon the heels of annexation, and it was soon manifest that the President was resolved upon the acquisition of territory; and when a bill appropriating three millions of dollars, to enable the President to negotiate a treaty of peace, was under consideration, the gentleman from Pennsylvania, (Mr. WILMOT,) moved to amend it by attaching the proviso, which has since figured so prominently in our political discussions. This House, by a large majority, sustained his motion, but the Senate failed for want of

time to act upon the bill; and it did not become a law. When Congress assembled at the succeeding session, our armies had defeated and destroyed those of Mexico; and our commanders in California and New Mexico were in quiet possession of those provinces. They had issued proclamations announcing to the people of those provinces that they were "annexed" to the United States; thus disclosing, beyond the possibility of a doubt, that the President had, from the beginning, prosecuted the war with Mexico for the purpose of conquest. In his message to Congress, he assumed that all who questioned the propriety of his conduct in this respect were, in effect, opposed to their country, and were "giving aid and comfort to the enemy." On the motion to refer the President's message a debate arose, during which his supporters on this floor reiterated the same idea. Having participated in that debate, and, inasmuch as what I said on that occasion supports the position which I am now endeavoring to establish, I hope I will be pardoned for reading a short extract from the speech which I then delivered:

"It is the duty of Congress, and I invoke the performance of that duty, to limit and control the discretion of the President in relation to the further prosecution of the war. If Congress believes it to be expedient and just to wage a war of conquest for the acquisition of territory, let that fact be declared; and if Congress believes it to be inexpedient, let it assert the constitutional right of the legislative branch of the Government, by saying to the President, 'thus far shalt thou go, and no farther.'"

* * * * *

"It is moral cowardice, when the great interests of the Republic are in peril, to shut our eyes, and shrink from a contemplation of the dangers with which we are threatened. * * *

"He must be blind to all the signs of the times who does not perceive that there is a fixed and almost universal determination in the northern States not to acquiesce in a further extension of territory, without attaching to such extension the prohibition to which I have referred. How shall we overcome this difficulty, when the question shall come before Congress permanently to annex the conquests of the President? We have already seen, by a vote of this House, that the non-slaveholding States will insist upon prohibiting slavery in those Territories. Will the southern States consent to the admission of free States south and west of Texas? What will Texas say? What will Louisiana say? What will the whole South say? All the dangers growing out of this question of slavery, which we have met and overcome heretofore, are as nothing compared with those which will arise when that question shall come up as the consequence of Mr. Polk's conquests and annexations.

"Mr. Chairman, in my opinion, there are bad men in the North and the South, who desire a dissolution of the Union, and who, without avowing their object, are laboring diligently to produce that end. The President is driving the ship of state into a most stormy and dangerous sea; and if Congress fails to act in the lofty spirit of patriotism which the occasion demands—if it fails to assert the constitutional rights and perform the constitutional duties which properly belong and attach to the legislative branch of the Government, by putting a limit to Executive discretion in the further prosecution of this war with Mexico, in my opinion the day is not distant when it will require all the virtue, intelligence, and patriotism of the country to preserve the Union and save the public liberty."

Mr. Chairman, these remarks brought down upon me a storm of denunciation. Among others, my colleagues on the other side of the House made themselves prominent in attacking my course

They impeached my patriotism. They arraigned me for introducing the firebrand of slavery into the councils of the nation, for the purpose of impairing its energy in the prosecution of a "just and glorious war." This storm of denunciation was hurled against me for weeks, and until I was rescued by a movement of the honorable gentleman from New York, (Mr. PRESTON KING,) who sits before me. On the morning of Jan. 5, 1847, that gentleman entered this hall with a roll of manuscript in his hand, and obtaining the floor, proceeded to "define the position" of the Democratic party of the northern States with respect to the war with Mexico. Want of time will not permit me to read that important paper; but if I make misstatements with respect to it, I will thank the gentleman to correct me. In substance it said: "The Democrats of the non-slaveholding States intend to vote men and money, to any extent needful, for the vigorous and successful prosecution of the war with Mexico. They are in favor of acquiring territory to indemnify the United States for the expenses of that war; but it is with them a *fixed principle, a settled purpose*, not to permit the existence of slavery in any territory that may be acquired."

Mr. McCLEARN. I beg leave to say that I, for one, objected to the manifesto of the gentleman from New York, and urged him not to offer it.

Mr. G. resumed. It is not my purpose to do injustice to any one. I remember that the gentleman from Illinois, (Mr. McCLEARN,) and, perhaps, two or three others on that side of the House, dissented from that manifesto; but their number was quite too small to impair in any degree the force of the fact which I am presenting. When the gentleman from New York read his manifesto, the storm, which had been so long and so furiously beating upon me, ceased.

The Whigs of the northern States also defined their position. They proclaimed that they were opposed to extending the limits of the United States; opposed to the acquisition of territory north or south; but, said they, if we are overruled—if, against our counsels and votes, you insist upon acquiring territory, we will co-operate in preventing the introduction of slavery therein.

When we of the South were thus forewarned by the Whigs and Democrats of the non-slaveholding States, my friend from Georgia (Mr. STEPHENS) introduced a resolution, declaring the legitimate objects of the war with Mexico, and restricting the discretion of the President, by inhibiting the acquisition of territory. When I made the speech from which I have ventured to read an extract, I had in the drawer of my table a resolution, similar to that offered by my friend from Georgia, which I intended to offer at a suitable time. He anticipated me in the execution of my purpose. I had hoped when those developments should be made to which I have referred, that the Democratic members of this House from the southern States would co-operate with the Whigs to prevent the acquisition of territory. I was disappointed in this reasonable expectation. When the House voted on the resolution offered by my friend from Georgia, every northern and southern Whig voted for it; every northern and southern Democrat voted against it.

Mr. STEPHENS. No; Mr. Cobb, of Alabama, voted with us.

Mr. GENTRY. A friend informs me that Mr. Cobb, of Alabama, voted with us on the question to which I am referring. If my friend is correct in his recollection, I must do the gentleman from Alabama the justice to say, that he stands "solitary and alone," honorably isolated from his political party. In the Senate, Mr. BERRIEN introduced a resolution similar to that introduced here, and the vote upon it was precisely like that in this House; every Whig from the North and the South, with

perhaps, one exception, voted for it; and every Democrat from the North and the South voted against it.

Mr. Chairman, what causes have produced the present state of things? What policy? Who is responsible? Is it the President? The incontrovertible truths of history which I have presented vindicate him from that false and unjust imputation, and fix the responsibility where an honorable gentleman from Mississippi, (Mr. THOMPSON,) more candid than most of those who have spoken on that side of the House, says it ought to rest.

That gentleman, in a speech which he made a few days ago, claimed for the Democratic party, of which he is a member, the glory of annexing Texas; the glory of the war which followed that event; and the glory of adding to the Territories of the United States California and New Mexico. And he admitted, that all the responsibilities resulting from these achievements rested upon the Democratic party; and that, therefore, that party is bound to come to the rescue and extricate the Republic from the difficulties and dangers in which Democratic measures have involved it.

It has been my aim to prove the correctness of the admissions so candidly made by the gentleman from Mississippi, and to show, beyond the possibility of doubt or cavil, that the policy and measures opposed by this side of the House, and supported and carried through by that, have brought the country into its present dangers. Come what may, our skirts are clear. If the political equilibrium between the slaveholding and non-slaveholding States is lost, never to be regained; if the property of the southern States is thereby rendered insecure; if faction and discord reign where patriotism and wisdom ought to rule; if the Union, and the liberty and happiness which it guaranties, are imperilled, the causes which have produced these evils are manifest, and the good sense of the country will correctly decide where responsibility rightfully rests.

But though, as I have shown, we can, on this side of the House, justly claim to be free from all responsibility for the present state of things, I hold that every patriot is equally bound to exert himself to save the country from the dangers by which it is now environed. The Wilmot proviso, which reared its front in this hall whilst the war with Mexico was raging, has reappeared at every period since the treaty of Guadalupe Hidalgo, when an attempt has been made to redeem the obligations which this Government assumed by the stipulations of that treaty; and the faith which we solemnly pledged to Mexico yet stands unredeemed. Meanwhile, as if to prepare the hearts of the people for bloodshed, civil war, and a dissolution of the Union, agitators, fanatics, and factionists in the northern and southern States have been busily and successfully engaged in inflaming and rousing into activity sectional prejudices, passions, and hostilities, whose loud roar, borne to our ears by every breeze that comes from the North or the South, bodes nothing but evil to the republic. Six months of the session of Congress have been spent in angry debate as to what measures of legislation shall be adopted with respect to the Territories which we have conquered from Mexico, and there is now as little prospect of union and harmony on that question as at the beginning of the session; and it has been distinctly threatened that, in certain specified contingencies, faction will so display itself here as to defeat the appropriation bills, and thus arrest, if not destroy, the government.

Mr. Chairman, this is a deplorable, humiliating, and dangerous state of affairs, calling imperiously upon us all to hold our passions and prejudices in strict subordination to patriotism and reason, that we may devote ourselves with effective energy to the service of the country. What shall we do?

To what remedy shall we resort? Where is the path that wisdom bids us tread? What line of policy will shield the country, and save it harmless from impending dangers? What measure, founded in justice and wisdom, can we adopt that will harmonize conflicting interests and prejudices, and give quiet and tranquillity to this great family of States? The consideration of Congress and the attention of the public have been for some time directed to three propositions: 1st. That recommended by the President; 2d, the Compromise bill reported by the committee of thirteen in the Senate; and 3d, the Missouri compromise line.

The last mentioned proposition is supported chiefly by those gentlemen from the southern States who have heretofore been most zealous and vehement in insisting upon the constitutional right of the slaveholding States to an unrestricted participation in the territories acquired from Mexico; and who have denied the power of Congress to *prohibit or establish* slavery, or otherwise legislate upon that subject in the Territories of the United States. I have never, in the course of my experience, known so glaring an exhibition of inconsistency by intelligent public men. To understand the effect of applying the Missouri compromise to the territory acquired from Mexico, it must be remembered that slavery existed by law in all the Louisiana territory acquired from France, and that the Missouri compromise *abolished and prohibited* slavery in all that territory north of $36^{\circ} 30'$ of north latitude, and *permitted slavery* south of that line. It was literally the enactment of the Wilmot proviso north of the line $36^{\circ} 30'$, and non-intervention south of that line. It was a distinct and most effective assertion and exercise by Congress of the power to legislate upon the subject of slavery in the Territories of the United States. To extend the Missouri compromise line through our recent acquisitions to the Pacific, would be to enact the Wilmot proviso in about four-fifths of the territory, and leave the residue, south of that line, subject to the operation of those Mexican laws which abolished slavery previous to our conquest, and which, according to the opinion of a large majority of jurists, remain in full force and effect. I am aware that gentlemen distinguished for legal learning hold that the Mexican laws are null and void; but whilst this question is undecided by competent judicial authority, slavery is as effectually excluded as if Congress had prohibited it by express provisions of law. No slaveholder would take his slaves into that country with the certainty of subjecting himself to a long and expensive lawsuit, that would most probably eventuate in the emancipation of his slaves. But no one believes that it is possible for such a proposition to pass in either House of Congress, and therefore it is a waste of time to discuss it. A fair apportionment of acquired territory between the slaveholding and non-slaveholding States constitutes the *principle* of the Missouri compromise, and to apply this principle to the territories acquired from Mexico, inasmuch as California has, by her constitution, prohibited slavery, all laws which prevent its introduction in the residue of our Mexican territory should be repealed by Congress.

The Compromise bill of the Senate proposes to admit California as a State into the Union, to organize territorial governments for New Mexico and Utah without the Wilmot proviso, and to settle the disputed question of boundary between Texas and New Mexico, by giving to Texas a consideration in money to relinquish her claim. With respect to the admission or non-admission of slavery into those Territories, it adopts the principle of non-intervention, leaving the final decision of that question to the people when they adopt constitutions preparatory to their admission into the Union as States.

If it be true that the laws of Mexico which abolished slavery in those Territories remain in force until repealed, then by the provisions of the Compromise bill slavery will be excluded from those Territories during the continuance of the territorial governments which it proposes to establish, for it expressly inhibits the repeal of those laws. It does not secure to the slaveholding States what most of their public men have claimed as their constitutional right. The people of the southern States are not insulted by a direct enactment of the Wilmot proviso, but for this forbearance they are required to be content with a state of things which as effectually excludes slavery from those Territories as if the bill contained the proviso in express terms.

The difficulty of devising measures of legislation suited to the condition of the Territories which we have acquired, and acceptable to the people of the different sections of the Union, results, in my opinion, chiefly from the extreme zeal, violence, and passion, with which erroneous opinions have been inculcated, by political partisans, in the non-slaveholding and slaveholding States of the Union. There is a struggle between these two classes of States for political power. At present, the Union consists of thirty States, in one-half of which slavery exists; and each State being entitled by the Constitution to two Senators, there is, therefore, in the Senate an exact balance of power between the slaveholding and the non-slaveholding States. The territory which we have acquired from Mexico is sufficient in extent to form, when it shall be peopled, several new States; and as these shall be slave States or free States, so will the preponderance of political power be determined in this government. And this I apprehend is the true source of the sectional controversy that now afflicts the country. In the North the opinion has been constantly propagated that prohibitory legislation was necessary to prevent the extension of slavery and the formation of additional slave States; while in the South it has been urged with equal zeal that such indeed would be the result, but for the obstacles interposed by northern agitation and the threat of hostile legislation.

In my opinion, causes which exist—and which legislation cannot change—make it impossible for slavery to obtain a permanent foothold in the Territories acquired from Mexico. The character and sentiments of the people who now inhabit them, and who are likely to emigrate thither—the character of the country, its soil and climate, all conspire to make such a result impossible. A recognition and candid admission of this truth by the North and the South would, it seems to me, moderate the irrational excitement which exists on this subject in both sections, and remove one of the principal causes that now embarrass this Government and disturb the public tranquillity.

When I say that slavery will be forever excluded from the Territories which we have acquired from Mexico, by causes that exist independent of Congressional legislation, I am only repeating an opinion which has heretofore been expressed by the late Secretary of the Treasury, Mr. R. J. Walker; by Mr. Cass, in his Nicholson letter; by the late Secretary of State, Mr. Buchanan; and by Mr. Webster, in his recent great speech in the Senate; and I think I am safe in saying, that I am only uttering a truth which every intelligent man in this republic believes, who has examined the subject with the purpose of arriving at correct conclusions. I am supported in this opinion, also, by the Committee of Thirteen which reported the Compromise bill, as the following extract from the report accompanying that bill will show:

"The bill for establishing the two Territories, it will be observed, omits the Wilmot proviso on"

one hand, and, on the other, makes no provision for the introduction of slavery into any part of the new Territories. That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any Territory, it would cease to have any obligatory force as soon as such Territory were admitted as a State in the Union. There was never any occasion for it, to accomplish the professed object with which it was originally offered. This has been clearly demonstrated by the current of events. California, of all the recent territorial acquisitions from Mexico, was that in which, if anywhere within them, the introduction of slavery was most likely to take place; and the constitution of California, by the unanimous vote of her convention, has expressly interdicted it. There is the highest degree of probability that Utah and New Mexico will, when they come to be admitted as States, follow the example."

Mr. Chairman, if I have succeeded in establishing the positions I have assumed, in any degree proportionate to my own deep conviction of their truth, the conclusion will follow, that in deciding the comparative merits of the several measures now under consideration in this and the other end of the Capitol, we ought to be governed, not exclusively by our individual opinions of the specific provisions of those measures, but that our estimate of their adaptation as remedies for existing evils ought to be in a great degree influenced by the favor and support extended to them by the Representatives of conflicting sentiments and opinions.

When the various matters in controversy between the northern and southern sections of the Union were referred by the Senate to a committee, composed of Senators eminent for talents and patriotism, and selected, in equal numbers, from the two great political parties, and from the slaveholding and non-slaveholding States, the hope naturally arose in the public mind, that the high character of that committee would impart an influence to its recommendations that would take these questions out of the vortex of party politics, and commend its recommendations to the general acceptance and approval of the whole country. This expectation has not been realized. Since the report of the committee the Senate itself has been converted into a scene of discord—an arena of sectional strife. Southern Senators oppose the report of the committee because it yields every thing in controversy to the North, and, on the other hand, northern Senators oppose it because it yields every thing in controversy to the South. Its supporters in the South obviously intend to assume that it secures the admission of slavery into the Territories acquired from Mexico, whilst it is equally obvious that its northern supporters will assume that it excludes slavery from those Territories. Can a measure susceptible of such contradictory construction tranquilize the public mind, and restore harmony to the Union? If it be passed into a law by Congress, is it not to be feared that the same conflict of opinion which has marked the debate in the Senate will be transferred to the popular forum, in the North and South; and that protracted agitation, and deeper and more dangerous sectional excitements, will be the consequence? In the midst of this conflict of opinion, it now hangs suspended in the Senate—no man claiming to be able to foretell its fate. Should it receive such modifications as to make it pass the Senate, is it not to be apprehended that, when it comes into this Hall, it will encounter the same fate which every attempt heretofore made to establish territorial governments for our Mexican territories has encountered? Will not some ardent "Free-soiler" rise in his place, and move to amend, by attaching the Willnot proviso, prohibiting slavery in those Territories? And will not that proposition, as heretofore, command a

majority of votes in this House, and will not increased sectional exasperation and excitement follow as a consequence? It was undoubtedly well-founded apprehensions of this kind, that induced the President to recommend Congress to confine its action, for the present, to the admission of California into the Union as a State, and leave the residue of territory to the government of existing laws and the temporary governments which have been established.

This recommendation of the President contemplates the early admission of New Mexico, as a State into the Union, and refers the question of the existence or non-existence of slavery therein to the decision of the people, when they form a State constitution, preparatory to their application for admission. He recommends the North to waive the proviso, so offensive to the South, and he recommends the South and the North mutually to consent to a reference of the question in dispute between them to the decision of that tribunal which, in the last resort, must have jurisdiction, whatever plan of temporary adjustment may be adopted by Congress. He recommends a "compromise" which gives a triumph neither to the one section nor the other, and which requires neither section to sacrifice its principles, its pride, or its rights. The fact having been developed by repeated unsuccessful attempts, that Congress cannot, by any act of legislation, adjust the question in dispute to the satisfaction of the parties to that dispute, the President recommends them to refer its decision to that great American principle which recognises the right of every political community to choose and decide for itself what shall be the character of its institutions and laws.

But it is urged that there were irregularities, informalities, departures from established usages, in the proceedings in California, which resulted in the formation of a State constitution and an application for admission into the Union, that constitute sufficient grounds for rejecting her application. These objections are so trivial that I will not waste time in refuting them. No one entertains the expectation that California will be remanded into a territorial condition, and the question of her admission is merely a question of time. It may be delayed, but cannot and ought not to be prevented. More plausible objections are urged against the early admission of New Mexico into the Union as a State; one of which is, that the population, unaccustomed to self-government, is not sufficiently civilized and intelligent to comprehend and perform the duties that would attach to them as a State. I admit the force of this objection, and frankly declare that, but for the peculiar circumstances under which we are to act, I would be in favor of holding New Mexico to a long period of territorial pupilage, before admitting her as a State into the Union; but when we compare the evils which may result from her admission as a State with those likely to flow from a prolongation of present difficulties, they sink into insignificance. Gentlemen from the slaveholding States found their opposition to the early admission of New Mexico upon the assumption that the sentiments and opinions of that people are sufficiently known to make it certain that they will incorporate a prohibition of slavery into their constitution.

Admitting the truth of this assumption, it does not constitute a sufficient reason for rejecting the policy which I am advocating. I have already expressed the opinion that the same result would ultimately obtain, whatever may be the legislation of Congress; and a brief postponement of that result would not compensate for the evils likely to flow from a continuation of the strife and agitation which now distracts the country. And, as the people, when in convention to form a State constitu-

tion, can alone finally decide the question which is the cause of that strife and agitation, every consideration of policy, having reference to the harmony and stability of the Union, urges most powerfully its immediate reference to them. Let the people of New Mexico decide the question to suit themselves, and whatever their decision may be, the people of the United States will acquiesce. If they adopt a constitution prohibiting slavery, what right will the southern States have to complain? If they adopt a constitution which establishes slavery, what right will the northern States have to complain? The North and the South will recognise the right of New Mexico to decide conformably to her own convictions; and whether that decision shall accord with the preference of the one or the other section, they will acquiesce; and their patriotism will signally rebuke any attempt, by those who are hostile to the Union and seek its destruction, to make the decision of New Mexico, on this subject, conducive to the accomplishment of their traitorous purposes. It is a feature in the plan of adjustment recommended by the President, which more than any thing else commends it to my support, that it settles, by the only mode practicable, finally and forever, this unhappy controversy between the North and the South, and puts an end to sectional agitation on that subject.

Having expressed my approval of the policy recommended by the President, I feel myself called upon to answer another objection urged against it; which is, that by its adoption the United States would fail to redeem the obligations incurred by the treaty of Guadalupe Hidalgo. The ninth section of that treaty provides that—

"Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, SHALL BE INCORPORATED INTO THE UNION OF THE UNITED STATES, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction.

Now, I think it is a manifest truth, that the policy recommended by the President to admit California as a State immediately, and New Mexico at an early day, more fully and completely redeems our treaty obligations, with respect to those Territories, than any which has been suggested. But it is contended that this policy leaves the people of those Territories, during the time preceding their admission into the Union as States, subject to the tyranny of military government; and that it is, therefore, repugnant to American ideas of liberty. Surely those who urge this objection have not read the official documents which have been communicated to Congress, and laid upon our tables. It was the boast of Mr. Polk's administration that it had, while the war with Mexico was yet raging, waived the rights of conquest, as defined by the law of nations, and generously given to California and New Mexico civil governments, instead of subjecting them to the rigors of military law.

Nothing like military government exists in either of those Territories. The military arm of the United States is there to protect, not to rule. The Secretary of War, in his annual report, referring to the delicate duties imposed upon the army by the peculiar state of things existing in California and New Mexico, says, "one of its assigned duties is to aid civil functionaries, when required, in the preservation of public tranquillity;" and, in a communication addressed to General Reilly, acting civil

governor of California, dated June 26, 1849, he says:

"It is equally true that all laws existing and of force in California at the period of the conquest are still operative, with the limitation that they are not repugnant to the Constitution and laws of the United States. In my opinion these constitute the whole code of laws now of force in California. I should add, that this opinion does not infringe on the right of communities to make necessary regulations for the police and security of persons and property. Such regulations must necessarily be temporary, as they are presumed to be voluntary, and designed to meet emergencies and difficulties which the sovereign power will take the earliest occasion to remove."

General Reilly, writing to the Secretary of War, under date of August 30th, 1849, says:

"Before leaving Monterey, I heard numerous rumors of irregularities and crimes among those working in the *placers*; but, on visiting the mining regions, I was agreeably surprised to learn that every thing was quite the reverse from what had been represented, and that order and regularity were preserved throughout almost the entire extent of the mineral districts. In each little settlement or tented town, the miners have elected their local alcaldes and constables, whose judicial decisions and official acts are sustained by the people, and enforced with much regularity and energy."

Colonel Washington, as acting governor of New Mexico, writes to Mr. Marcy, Secretary of War, under date of November 8, 1845, as follows:

"The system of government now in force in New Mexico is that which was established in 1846, and embraces what is commonly termed Kearny's code, to which the people, through their representatives lately assembled in convention, have happily expressed their assent, as will be seen by their memorial to Congress, and is considered adequate to the wants of the country until another can be provided."

These extracts, from official documents, conclusively show that our Mexican Territories are not subject to military government in the obnoxious sense of that term. Pre-existing laws have not been superseded by martial law; judicial tribunals have not been superseded by courts martial. General Reilly describes "each little settlement or tented town" as a miniature democracy, making laws adapted to its condition, and administering them by agents chosen by the people; thus giving protection and security to "life, liberty, and happiness," and gloriously illustrating the capacity of man to enjoy and exercise the great right of self-government. Although it is true that the duties of civil governor of New Mexico have been devolved upon a military officer, it does not follow, as a consequence, that the people of that Territory are subject to a military government. It would be quite as logical to conclude that the people of the United States are subject to a military government, because the Chief Magistrate of the Republic is also commander in-chief of its army and navy.

Mr. Chairman, let California be admitted into the Union, and the cause which distracts the national councils will be vastly diminished in magnitude, and the public mind will tranquilize in a corresponding degree; and thereupon a state of sentiment and opinion in the country will ensue, which will enable Congress to adopt such measures, with respect to the residue of the territory acquired from Mexico as may be necessary and proper, without the apprehension of dangerous excitements and convulsions in the Union. But though I believe the legislation recommended by the President to be the safest and wisest for the country, all things considered, yet it is not my purpose obstinately to withhold my support from any other plan of adjustment which, repudiating the Wilmot proviso,

offensive to the people I represent, can command such confidence and support from the representatives of northern and southern sentiment and opinion, as to inspire a reasonable confidence in its capacity to put an end to sectional agitation, and restore harmony and fraternal feeling to the States of this Union.

Mr. Chairman, when the combination of causes which have prevented the recommendation of the President from receiving a fair and just consideration in the two Houses of Congress shall be fully comprehended, the mists which now dim the public vision will dissipate, and it will be seen and admitted that it is a recommendation founded in a wise appreciation of the difficulties that surround the subject—a recommendation worthy of one whose deeds, under the flag of his country, have carried its military glory to the farthest confines of civilization, and whose patriotism, *bounded by no sectional lines*, is co-extensive with the limits of that great Republic, which, justly appreciating his merit, has made him its Chief Magistrate. And notwithstanding the extraordinary efforts that have been and may be made, to force the adoption of some plan of adjustment differing from that recommended by the President, yet it is by no means certain that these efforts may not be defeated by the same causes that have hitherto proved fatal to legislation on this subject. Aside from the fact, admitted by all, that a large majority of Congress are in favor of admitting California as a State into the Union, nothing is settled, nothing is known, nothing can be foretold; and it may so happen that the question will at last be narrowed down to the admission or non-admission of that State.

At an early period of the session, the honorable gentleman from North Carolina, (Mr. CLINGMAN,) anticipating this as a possible occurrence, threatened that the minority would, in such event, defeat that measure by demanding the ayes and noes on motions to adjourn, and motions for calls of the House, and, by constantly alternating and repeating these motions, consume the entire session of Congress, preventing thereby, not only the admission of California, but also the passing of those appropriation bills indispensably necessary to carry on the Government. And the honorable gentleman very distinctly intimated that, to accomplish this object, as a last resort, a Bowie-knife tragedy might be enacted on this floor, reducing the members of this House to a number below a constitutional quorum. This would be rebellion in its worst form—a factious attempt by a minority of Congress to usurp that control over legislation which the Constitution confers upon a majority. Should the contemplated contingency arise, I trust the majority of this House will not be frightened from its propriety by this offensive appeal to its fears, but that it will maintain its constitutional right to control legislation with calmness, dignity, and firmness; and, avoiding all disorderly and unbecoming exhibitions of excitement, it will, if needful, adjourn from day to day, even to the end of the session, that public opinion and the ballot-box may come to the rescue, and properly rebuke so daring and reckless an assault upon the fundamental principle of republican government. But I trust no such necessity will arise. I have respected and esteemed the honorable gentleman from North Carolina so much, that I cannot otherwise regard his declarations than as an ebullition of excited feeling, rather than evidence of a settled purpose. I am sure that his self-respect and his love of country will make it impossible for him to attempt the execution of a threat, made in the heat of debate, and unsanctioned, I hope, by his subsequent calmer reflections.

Mr. Chairman, we are so constituted that we often resist the conviction and admission of unpalatable

truths, even when they stand revealed to our mental vision in unmistakable reality. The equilibrium of political power, which has heretofore been maintained between the slaveholding and non-slaveholding States of the Union, will presently be a fact “consigned to the receptacle of things lost upon earth;” and the preponderance of political power under this Government will pass, never to be regained, to the non-slaveholding States. In my judgment, the best interests of this Republic require, that this truth should be frankly declared by public men, and recognised by the people. It is a truth which raises a question the gravest and most important that any people were ever called upon to consider and decide. That question is, *Shall the Union be maintained or dissolved?* Is it wiser for the southern States to quietly acquiesce in this inevitable transfer of political power to the northern States, and trust for *their safety and the security of their property* to the justice and patriotism of their co-States, and the guaranties of the Constitution, “or to take arms against a sea” of *apprehended dangers*, and, by dissolving the Union, seek security and safety in the organization of a southern confederacy? “To this complexion it must come at last.” *This is even now the real question.* I have, in a preceding part of my remarks, endeavored to show what and whose policy has destroyed that equilibrium of power, the destruction of which now creates so much anxiety in the slaveholding States; and it is needless for me to repeat what I have already said upon that subject. I submit to the results of a policy, the consequences of which I foresaw, and which I labored in vain to defeat. I will trust to the guaranties of the Constitution, and to the justice and patriotism of those who are henceforth to wield the power which it confers. Not until this reliance fails, will I permit myself to look to a dissolution of the Union as a remedy for existing evils, or those which are apprehended. I am a citizen of a slaveholding State—I am the representative of a slaveholding constituency—and come what may, in connexion with this subject, their fate shall be my fate, their destiny my destiny. Identified with them, and bound to them by all ties that are sacred and strong, I declare it as my opinion that, while the happiness, welfare, and liberty of all the States are involved in the maintenance of the Union, the southern States are pre-eminently interested in its preservation. And if my voice could reach the slave-owners of the South, I would tell them that the Union is the only effective safeguard for the security of that peculiar property with regard to which they are now so anxious; and, if I could, I would proclaim to them, “in a voice of sevenfold thunder,” *that those are practically their worst enemies who counsel them to any course of action which tends to its destruction.*

Mr. Chairman, it must be a source of happiness to every man who loves his country to perceive that, although speeches of a sectional and inflammatory character have been for six months sent forth from this Capitol, and scattered broadcast over the land, their effect seems to have been to tranquilize rather than excite the public mind. The people pause, as well they may, when the vortex of disunion and civil war is opened to their view. They refuse to volunteer or be *impressed* into the service of disunionists. They will not enlist under that banner. They will not march to that music. They have given unmistakable evidence that they are devoted to the Constitution of their country, and that they are determined to sustain and uphold the Government bequeathed to them by their ancestors, and make it, in all time to come, what it has been in time past—the beacon light of liberty, guiding the nations of the earth to political redemption, as the star of Bethlehem guided to the Redeemer.

no. 12

SPEECH
OF
THADDEUS STEVENS, OF PENNSYLVANIA,
ON
THE CALIFORNIA QUESTION.

Made in the House of Representatives, Night Session, June 10, 1850.

MR. CHAIRMAN: How far Congress can legislate for the Territories, and admit new States into the Union, has been matter of grave discussion.

The power to admit new States is expressly given by the Constitution. But the extent of that power is by no means settled. In my judgment, it refers only to new States formed out of territory previously belonging to the nation. Such was the opinion of Mr. Jefferson, and I have never seen it successfully controverted. Clearly that clause conferred no diplomatic powers on Congress. Consequently, Congress could enter into no negotiation with foreign Powers; for that would be an act of diplomacy. The right to admit foreign independent nations into the Confederacy is nowhere given to Congress, either by direct grant or necessary implication. I do not believe it exists anywhere, except with the treaty-making power. This question will probably be seriously considered and finally decided, when Texas comes to subdivide her territory into States, and claim their admission into the Union, if that unfortunate event should ever happen.

The right of Congress, and the extent of that right, to legislate for the Territories, has become a question of fierce discussion by the ablest minds of the nation. For sixty years and upwards, after the passage of the Ordinance of 1787 and the adoption of the Constitution, no one seriously doubted the right of Congress to control the whole legislation of the Territories—to establish Territorial Governments; create courts; fix the tenure of the judges and other officers—in short, to exercise all acts of municipal as well as political legislation. For sixty years, all that authority has been exercised over the Northwestern Territory, the Southwestern Territory, over Louisiana, Florida, and Oregon. In the mean time, the question had been definitively and conclusively settled by all the branches of the Government—by Presidents, by Congresses, by repeated decisions of the Supreme Court of the United States. Elementary writers, Story, Rawle, and others, had so laid down the law.

It is only since our dismemberment of the Mexican Empire, that this question has been opened, and found able and apparently sincere statesmen totally to deny the power.

Those who, half a century hence, shall be led to examine the archives of the nation, will naturally inquire what new light had been shed on this subject; what new event had happened to disturb this well-settled opinion. It may possibly be found, that even in this free and enlightened Republic, men, statesmen and demagogues, were actuated by the same cupidity, lust of power and of office, which governed the people of the old

and corrupt nations of the world. That an independent nation, without treaty and without warrant in the Constitution, by the mere act of Congress, was corruptly admitted into this Confederacy for the avowed purpose of extending the dominion of slavery; and that California and New Mexico were acquired for the same object. But that it was found that Congress, unexpectedly to the South, determined to exclude slavery from them; and had actually passed a bill for that purpose, through the House of Representatives; and it was lost in the Senate only for want of time. Then Southern statesmen discovered that the only chance they had of carrying out their original design, was to deny the power of Congress to pass such a law. They abandoned the position sanctioned by themselves, and by the prescription of sixty years, and boldly assumed this new attitude.

But to be successful, they must bring Northern aid to this new doctrine. They put in requisition the means which before had always availed them—the political weight of slavery. A Presidential election was approaching. He alone, who was willing to receive this new light, and surrender his conscience to its illumination, could receive their support. Among the most prominent of the aspirants to that high office was a gentleman of distinguished talents, of great scientific and legal attainments, who had reached the mature age of nearly three score years and ten. He was particularly versed in the Constitution and laws which regulate the Territories. He had grown up with them. He had filled several offices, and among them the highest in Territorial Governments established by Congress. He acknowledged the exclusive power of Congress over them, and its power to exclude slavery from them. He was prepared to vote for the Wilmot Proviso, and expressed great regret that he was deprived of the opportunity, by a debate which was protracted to the end of the session of 1846. There seemed but little hope, that his judgment, thus matured, his opinion formed with care, and consolidated by the action of a long life, could ever be so changed as to entitle him to Southern support. But miracles have not ceased in the moral, whatever may be the case in the physical world. Southern alchemy was applied; straightway a shaking was seen among the dry bones, and he stood up, regenerated, illuminated, and transformed. The scales fell from his ancient eyes, and he saw bright visions. He now denies to Congress the least power over the Territories! To vindicate, not his consistency, for that is hopeless, but his honesty, he has devoted thirty odd mortal pages of a speech, to show the error in-

dulged in for the last sixty years, by Congresses, by Presidents, by Supreme Courts, by constitutional writers, and by himself.

I shall not attempt to follow his labored argument, especially as very few of his Southern allies now endorse it. All, however, must feel sincere regret that he changed his opinions under such peculiar circumstances.

My opinion as to the extent of the power of Congress in legislating for the Territories differs somewhat from those who admit the general and exclusive power.

The Supreme Court, the ultimate arbiter fixed by the People finally to decide all questions arising under the Constitution and laws of Congress, have, by repeated decisions, derived the exclusive power of Congress to legislate for the Territories from the clause in the Constitution which says—"The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory and other property of the United States."

I do not suppose that any branch of this Government is at liberty practically to disregard these decisions. It would be as improper in the President, Congress, or any other functionary of the Government, as it would be in an individual. In him it would be a misdemeanor. If it were now on open question, I should hesitate to rest it wholly on that part of the Constitution. There is much weight in the argument that "*Territory*" is used in the singular number, and coupled with the phrase "*or other property belonging to the United States*." It seems to have been intended to apply to a single Territory and the Government property therein. At the adoption of the Constitution, the United States owned but one Territory (the Northwestern.) Nor did the Constitution provide for the acquisition of any other. Clearly, no such power is given to Congress, either expressly or by necessary implication. It is to be found, if it exists anywhere in the Government, in the treaty-making power alone. The Supreme Court have fortified their opinion of the power of Congress over the Territories, as the necessary consequence of the right to acquire by treaty. If I were allowed to indulge my own judgment, I should place the right of Congress to legislate for the Territories acquired from foreign nations wholly in the consequences resulting from the right of acquisition.

By the law of nations, when a nation acquires Territory, either by conquest or treaty, it becomes subject to the will of the acquiring Power. The laws of such Power, however, do not spread over it until some express legislation. In the mean time, their own laws remain in full force. Not unfrequently such subject provinces are for a long time governed by very different laws from the country to which they become attached. Canada, and other British provinces, are to this day. But the very fact of acquisition gives to the sovereign power of the acquiring State all power to legislate for such acquisitions. It requires no constitutional or treaty provision. Wherever the legislative power of the new sovereign is placed, whether in King, Parliament, or Congress, there is the whole and only power to govern them.

Our Constitution places the legislative power in Congress. Consequently, Congress has exclusive power over the Territories newly acquired.

The Constitution itself does not extend to them, and can have no influence upon them, except so far as it creates and defines the legislative organ of the sovereign will of the nation. None of the officers in the Territories hold by a constitutional tenure. No law of the United States was ever supposed to be extended to any of the Territories by the mere force of the Constitution. The provision for the return of fugitive slaves does not extend to the Territories. Any slave escaping or being taken into New Mexico or California, would be instantly free. Hence, by the act of 1793, express provision for the subject was made with regard to the Territories which we then had.

It follows that Congress alone has the exclusive power to legislate for the Territories; and that any action by the inhabitants in forming Governments for themselves, until authorized by Congress, is irregular, and, as is justly argued by the gentleman from Virginia, [Mr. SEDDON,] and other Southern gentlemen, mere usurpation. I do not think, however, it is such usurpation as is to be treated as criminal; but may be either sanctioned or disallowed, as Congress may deem most conducive to the general welfare.

But it is contended, that although Congress has exclusive, it has not unlimited, jurisdiction. That it may and is bound to legislate to protect slavery, but cannot prohibit it.

A distinguished Senator from Kentucky [Mr. CLAY,] controverts this doctrine, and holds that Congress can abolish, prohibit, or establish slavery in the Territories.

I can agree to neither of these propositions. In support of the first, it is argued that the prohibition of slavery would violate the provision of the Constitution which says that "The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States." I can see no force in the argument. This article simply provides that the law shall not discriminate between citizens of the several States. Now, a law which prohibits every person from holding slaves in the Territories does not discriminate, but grants to all equal "privileges" and "immunities."

But such law is said to be partial, because a portion of our citizens cannot take their property with them. This is not true in point of fact. Every man may take his property, conforming to the local law when he gets there. If any of them possess property which by the law of nature or of man would be worthless, of course he will leave it behind. A large capital, in Pennsylvania, is invested in stock, tools, and implements for smelting and manufacturing iron. If it turns out, as I believe is likely to be the fact, that most of our newly-acquired territory has neither coal nor iron ore, what right had the General Government to expend the common treasure to purchase territory to which the Pennsylvania iron masters could not take their property without rendering it worthless? The argument is quite as cogent, and more just, than that used by the slaveholder.

The only fair inquiry is, do the same laws operate on all, without regard to the quantity or quality of their property, or the section from whence they come?

But it is said that such a law would violate the rights of the slaveholder, by depriving him of his property—his vested rights.

To divest him of property in slaves in free Territories, it must be first shown that he has such property. It is a principle of the common law, quite as sacred as the doctrine of vested rights, that by the *general* law man is not the subject of property; that he can be held in bondage only by express local law; and that, wherever the slave is beyond the jurisdiction of such local law, no matter how he gets there, he is free. This has never been doubted since the celebrated decision by Lord Mansfield, in the case of the negro *Summersett*. Nor does it make any difference whether the slave jurisdiction and the free jurisdiction belong to the same or different Governments. By the *common law*, if a slave escapes from a slave State into a free State, he is free. That principle of the common law, however, is prevented from operating in the States by a clause in the Constitution. But it is in full force in the Territories, to which that provision does not extend. The master, therefore, who takes his slave into free Territories, has no vested rights or property in him which can be impaired. The slave becomes a man, and has a vested and inalienable right to liberty.

While it is thus found that Congress has the right to prohibit and abolish slavery in the Territories, it does not follow that it has the power to *establish* it.

I admit that Congress has all legislative power over the Territories necessary for the legislation of a free Government, except when expressly restrained by the provisions of the Constitution, or the *fundamental principles of the Government*. It is not bound by the article which reserves to the States all powers not expressly granted to the United States.

Still, there are general principles restraining the power of Congress wherever it extends. There are certain other principles, not mentioned in the Constitution, which Congress cannot annul or violate, because they are the foundation of our Government. They are enumerated in the Declaration of Independence. Wherever those principles are not altered or overruled by express compact in the Constitution, they potentially control the action of the General Government. I admit that, in forming the organic law, they might have been repudiated. Some of them unfortunately were.

At first it was supposed that they controlled the State Governments also. It was decided by the judicial tribunals of some of the States, Massachusetts for one, that the Declaration of Independence abolished slavery without any legislative enactment. But it came to be more reasonably considered that the Declaration was not made by the States, but by the National Government, and that the principles of State rights and legislation must be sought for in State documents.

This Bill of Rights of the American nation declares liberty to be an inalienable right. Nor does the Constitution give Congress any power to restrain or take away this right, except in the case of fugitives from labor into other States. The legislative power of the several States is controlled by similar principles. They have generally formed a Declaration or Bill of Rights of their own.

I find that every free State has adopted a Bill of Rights similar to the following, which are to be

found in those of Massachusetts and New Hampshire: "All men are born free and equal, and have certain natural, essential, and inalienable rights; among which are the right of enjoying and defending their lives and liberties; and that of acquiring, possessing, and protecting property."

Those Constitutions nowhere prohibit their Legislatures from establishing slavery, or violating vested rights. Yet I suppose that no sound statesman would contend that they could do either, because it would be inconsistent with the fundamental principles of their Government, as expressed in their Bill of Rights. It would, in my judgment, be equally preposterous to assert that Congress possessed such power, when the Bill of Rights of the nation declares liberty to be "inalienable."

I think it follows inevitably, that Congress may abolish or prohibit slavery wherever it has exclusive jurisdiction, but can establish it nowhere.

I should not have deemed it necessary to give any reasons now for such exclusion, had it not been lately repeatedly contended on this floor, and in the Senate, that slavery is a *blessing*. Northern gentlemen have here said that they do not view it with much horror; and my colleague from Luzerne [Mr. BUTLER] looks upon it as a religious or divine institution, if I rightly understood him. This seems to render it proper again to examine the character of the institution. This, I am aware, will bring down upon me all its venom.

When I ventured some time since to give my opinion freely of the real condition and evils of slavery, I expected to be assailed by the defenders of the institution. While that greatest, most honest, and most fearless, of modern statesmen, who was stricken down by death in this Hall, was, almost unaided, defending human rights, and denouncing the horrors of slavery, we saw him, from year to year, the object of the bitterest personal abuse in this House, and by the slave press everywhere. No motives were too foul to impute to him; no crimes too atrocious to charge upon him. It was sought to expel him from this body; and it was prevented only by his own gallant defence. Sir, I trust it will not be supposed that I have the vanity to expect to be touched by any of the rays of that glory which will forever surround his name, on account of the calumnies, the insults, and the persecutions, which he endured in this high and holy cause. But if I could indulge such hopes, gentlemen from the South, and those who are no gentlemen from the North, are kindly contributing to my ambitious aspirations. My late speech has been deemed of sufficient importance to attract attention, not to it, but to its author. Sir, our acts and our remarks here are legitimate subjects of comment and rigid examination; and when any humble effort of mine shall receive such notice in the only way which *gentlemen* will pursue, it will give me pleasure to retract what I am convinced is wrong, and calmly to defend the rest, however severe may be the criticism.

I do not remember one of the numerous gentlemen who have referred to my remarks, who has attempted to deny one of the facts, or refute one of the arguments; they have noticed them merely to vituperate their author. To such remarks there can be no reply by him who is not willing

to place himself on a level with blackguards. I cannot enter that arena. I will leave the filth and the slime of Billingsgate to the fish-women, and to their worthy coadjutors, the gentlemen from Virginia, [Mr. MILLSON,] from North Carolina, [Mr. STANLY,] from Kentucky, [Mr. STAN-ROX,] from Tennessee, [Mr. WILLIAMS,] and all that tribe. With them I can have no controversy. When I want to combat with such opponents and such weapons, I can find them any day by entering the fish market, without defiling this Hall.

I beg those respectable fish-ladies, however, to understand that I do not include my colleague from Bucks county among those whom I deem fit to be their associates. I would not so degrade them.

There is, in the natural world, a little, spotted, contemptible animal, which is armed by nature with a fœtid, volatile, penetrating *virus*, which so pollutes whoever attacks it, as to make him offensive to himself and all around him for a long time. Indeed, he is almost incapable of purification. Nothing, sir, no insult shall provoke me to crush so filthy a beast!

Mr. Chairman, I crave your pardon for this unprofitable digression. I trust I shall never again be betrayed into a similar one, even to brush off these invading vermin.

When I turned off into this episode, I was stating that gentlemen on this floor, and in the Senate, had repeatedly, during this discussion, asserted that slavery was a moral, political, and personal blessing; that the slave was free from care, contented, happy, fat, and sleek. Comparisons have been instituted between slaves and laboring freemen, much to the advantage of the condition of slavery. Instances are cited where the slave, after having tried freedom, had voluntarily returned to resume his yoke. Well, if this be so, let us give all a chance to enjoy this blessing. Let the slaves, who choose, go free; and the free, who choose, become slaves. If these gentlemen believe there is a word of truth in what they preach, the slaveholder need be under no apprehension that he will ever lack bondsmen. Their slaves would remain, and many freemen would seek admission into this happy condition. Let them be active in propagating their principles. We will not complain if they establish societies in the South for that purpose—abolition societies to abolish freedom. Nor will we rob the mails to search for incendiary publications in favor of slavery, even if they contain seductive pictures, and cuts of those implements of happiness, handcuffs, iron yokes, and cat-o'-nine-tails.

If these Southern gentlemen and their Northern sycophants are sincere and correct, then I must admit that they have just cause of complaint—the only real aggression which the North ever inflicted on them. For it cannot be denied that for two centuries the North has mainly contributed to secure to a particular race the whole advantages of this blissful condition of slavery; and, at the same time, have imposed on the white race the cares, the troubles, the lean anxieties of freedom. This is a monopoly inconsistent with republican principles, and should be corrected. If it will save the Union, let these gentlemen introduce a “compromise,” by which these races may change condition; by which the oppressed master may slide into that happy state

where he can stretch his sleek limbs on the sunny ground without fear of deranging his toilet; when he will have no care for to-morrow; another will be bound to find him meat and drink, food and raiment, and provide for the infirmities and helplessness of old age. Impose, if you please, upon the other race, as a compensation for their former blessings, all those cares, and duties, and anxieties.

It may be objected that the white man is not fitted to enjoy that condition like the black man. Certainly, at first, it will be so. But let not that discourage him. He may soon become so.

I will not go into a discussion as to the original equality and identity of the human race. I am not learned in those things, nor, unfortunately, in any other. But I appeal to the learned men of this House, the gentleman from Alabama, [Mr. HILLIARD,] from Massachusetts, [Mr. MANN,] from Vermont, [Mr. MEACHAM,] to say if the ethnological researches of the past and present age—whether drawn from the physiology or the philology of tribes and nations of men—do not all corroborate the recorded fact that “*He hath made of one blood all nations of men;*” and that their present great variety in color, form, and intellect, is the effect of climate, habits, food, and education. Let not the white man therefore despair on account of the misfortune of his color. Homer informs us that the moment a man becomes a slave, he loses half the man; and a few short years of apprenticeship will expunge all the rest except the faint glimmerings of an immortal soul. Take your stand, therefore, courageously in the swamp, spade and mattock in hand, and uncovered, and half-naked, toil beneath the broiling sun. Go home to your hut at night, and sleep on the bare ground, and go forth in the morning unwashed to your daily labor, and a few short years, or a generation or two at most, will give you a color that will pass muster in the most fastidious and pious slave market in Christendom. Your shape also will gradually conform to your condition. Your parched and swollen lips will assume a chronic and permanent thickness of the most approved style. Your feet, unconfined by shoes, and accustomed to a marshy soil, will shoot out behind and sideways until they will assume the most delightful symmetry of slavery. Deprived of all education, cut off from all ambitious aspirations, your mind would soon lose all foolish and perplexing desires for freedom; and the whole man would be sunk into a most happy and contented indifference. And all these faculties, features, and color, would descend to your fortunate posterity; for no fact is better established than that the accidental or acquired qualities of body and mind are transmissible, and become hereditary. True, your descendants will be black, stupid, and ugly. But they would only be so many incontestable evidences of their natural right and fitness for the enjoyment of this state of moral, political, and personal happiness!

Among others, numerous clergymen are found defending this institution, and praising its *comforts and advantages*. The same spirit which induced them to defend tyranny in the time of the Charleses, and the Jameses; to maintain the divine right of Kings; to inculcate the duty of passive obedience and non-resistance; and to anathematize those who resisted the tyranny of

the "Lord's anointed"—prompts them now to take the side of the oppressor against the oppressed. They find the same kind of argument in the Scriptures to uphold slavery, that they then found to justify the despotism of profligate Kings. I shall not answer their absurd and blasphemous position. That has been effectually done by the honorable gentleman from Massachusetts, [Mr. FOWLER.] But I will say that these reverend parasites do more to make infidels than all the writings of Hume, Voltaire, and Paine. If it were once shown that the Bible authorized, sanctioned, and enjoined human slavery, no good man would be a Christian. It contains no such horrible doctrine. But if it did, it would be conclusive evidence, to my mind, that it is a spurious imposition, and not the word of the God who is the Father of men, and no respecter of persons.

I have before me a work by clergymen who maintain the above doctrine. They descant largely on the comforts of slavery. One of the heads of this pious discourse is, "*Slavery is a beneficent institution!*"

I know there are many degrees in the miseries of slavery. Some masters treat their servants with great kindness; others more severely; others with merciless cruelty, according to their dispositions, for that alone governs their conduct. But, notwithstanding this diversity in suffering, he must have a callous heart who can speak of the beneficence of slavery.

Dante, by actual observation, makes hell consist of nine circles, the punishments of each increasing in intensity over the preceding. Those doomed to the first circle are much less afflicted than those in the ninth, where are tortured Lucifer and Judas Iscariot—and I trust, in the next edition, will be added, the Traitors to Liberty. But notwithstanding this difference in degree, all from the first circle to the ninth, inclusive, is hell—cruel, desolate, abhorred, horrible hell! If I might venture to make a suggestion, I would advise these reverend perverters of Scripture to devote their subtlety to what they have probably more interest in—to ascertaining and demonstrating (perhaps an accompanying map might be useful) the exact spot and location where the most comfort might be enjoyed—the coolest corner in the Lake that burns with fire and brimstone!

But not only by honorable gentlemen in this House, and right honorable gentlemen in the other, but throughout the country, the friends of Liberty are reproached as "transcendentalists and fanatics." Sir, I do not understand the terms in such connection. There can be no fanatics in the cause of genuine Liberty. *Fanaticism is excessive zeal.* There may be, and have been, fanatics in false religion; in the bloody religion of the heathen. There are fanatics in superstition. But there can be no fanatics, however warm their zeal, in true religion, even although you sell your goods, and bestow your money on the poor, and go and follow your Master. There may be, and every hour shows around me, fanatics in the cause of false liberty—that infamous liberty which justifies human bondage; that liberty whose cornerstone is slavery.* But there can be no fanaticism, however high the enthusiasm, in the cause of rational, universal Liberty—the liberty of the Declaration of Independence.

This is the same censure which the Egyptian

tyrant cast upon those old abolitionists, Moses and Aaron, when they "agitated" for freedom, and, in obedience to the command of God, bade him let the people go.

But we are told by these pretended advocates of Liberty in both branches of Congress, that those who preach Freedom here and elsewhere are the slave's worst enemies; that it makes the slaveholder increase their burdens, and tighten their chains; that more cruel laws are enacted since this agitation began in 1835. Sir, I am not satisfied that this is the fact. I will send to the Clerk, and ask him to read a law of Virginia, enacted more than fifty years before this agitation began. It is to be found in the 6th volume of Henning's Statutes at Large of Virginia, published in 1819, "*pursuant to an act of the General Assembly of Virginia, passed on the 5th day of February, 1808.*"

Sec. xxiv. "*And that when any slave shall be notoriously guilty of going abroad in the night, or running away and laying out, and cannot be reclaimed from such disorderly courses by common methods of punishment, it shall be lawful for the County Court, upon complaint and proof thereof to them made by the owner of such slave, to order and direct such punishment by DISMEMBERING, or any other way, not touching life, as the Court shall think fit. And if such slave shall die by means of such DISMEMBERING, no forfeiture or punishment shall be thereby incurred.*"

I have had that law read, to see if any gentleman can turn me to any more cruel laws passed since the "agitation." I did not read it myself, though found on the pages of Old Virginia's law books, lest it should make the modest gentleman from Virginia [Mr. MILLSON] and the gentleman from North Carolina [Mr. STANLY] and his gray-headed negro, blush!

[Mr. BAYLY of Virginia. That law is repealed, or not now in force.]

Mr. STEVENS. Then I am glad that the agitation has produced some amelioration of your laws, although I still find it on your statute-book.*

But suppose it were true that the masters had become more severe; has it not been so with tyrants in every age? The nearer the oppressed is to freedom, and the more hopeful his struggles, the tighter the master rivets his chains. Moses and Aaron urged the emancipation of the enslaved Jews. Their master hardened his heart. Those fanatical abolitionists, guided by Heaven, agitated anew. Pharaoh increased the burden of the slaves. He required the same quantity of brick from them without straw, as when the straw had been found them. They were seen dispersed and wandering to gather stubble, to make out their task. They failed, and were beaten with stripes. Moses was their worst enemy, according to these philanthropic gentlemen. Did the Lord think so, and command him to desist, lest he should injure them? No; he directed him to agitate again, and demand the abolition of slavery from the King himself. That great slaveholder still hardened his heart, and refused. The Lord visited him with successive plagues—lice, frogs, locusts, thick darkness—until, as the agitation grew higher, and the chains were tighter drawn, he smote the first-born of every house in Egypt; nor did the slaveholder relax the grasp

* I do not find that this law is repealed. But it is most probably not often executed, since, as shown by the Hon. Mr. Meade, Virginia has become a breeding State.

on his victims, until there was wailing throughout the whole land, over one dead in every family, from the King that sat on the throne to the captive in the dungeon. So I fear it will be in this land of wicked slavery. You have already among you what is equivalent to the lice and the locusts, that wither up every green thing where the foot of slavery treads. Beware of the final plague. And you, in the midst of slavery, who are willing to do justice to the people, take care that your works testify to the purity of your intentions, even at some cost. Take care that your door-posts are sprinkled with the blood of sacrifice, that when the destroying angel goes forth, as go forth he will, he may pass you by.

Aside from the principle of Eternal Right, I will never consent to the admission of another slave State into the Union, (unless bound to do so by some constitutional compact, and I know of none such,) on account of the injustice of slave representation. By the Constitution, not only the States now in the Union, but all that may hereafter be admitted, are entitled to have their slaves represented in Congress, five slaves being counted equal to three white freemen. This is unjust to the free States, unless you allow them a representation in the compound ratio of persons and property. There are twenty-five gentlemen on this floor who are virtually the representatives of slaves alone, having not one free constituent. This is an outrage on every representative principle, which supposes that representatives have constituents, whose will they are bound to obey, and whose interest they protect.

The slave representation should not be increased, for it already possesses a power dangerous to the Constitution. In the Senate, slavery has the power to reject all nominations to office who are not obedient to the institution. That power is exercised. The real leader of that body, a Senator from Mississippi, not long since, frankly declared in debate, that he would vote for no nominee who was tainted with anti-slavery doctrines, or who had active friends that were. This power was notoriously and successfully brought to bear, several years since, against a distinguished and worthy gentleman, who was nominated to an office far below his merits, because he had spoken evil of the "dark spirit of slavery." Thus are Northern men held in duress!

This power demands from Congress "compromises" which shall increase its influence. Sir, this word "compromise," when applied to human rights, and constitutional rights, I abhor. We are not asked, but *commanded*, to compromise away the Constitution. It is well known that, when Congress assembled here, a large majority of its members, as well as a large majority of the people, were in favor of prohibiting slavery in all the Territories, and admitting no new slave States into the Union. It is a vital principle of the Constitution, that the will of a majority shall govern. But terror, treason, threats, are used to compel the majority to yield to a turbulent minority. The violence of passion, the recklessness of ambition, and the corruption of party, are all used to bring about this "compromise" of constitutional right. He who regards his oath to support the Constitution cannot thus surrender.

I shall not now particularly refer to the features of the most extraordinary conspiracy against liberty in the Senate, called the Comprom-

mise bill. If it should survive its puerperal fever, we shall have another opportunity of knocking the monster in the head. I pass over what is familiarly known as the "ten million bribe," which was evidently inserted for no other purpose than to create public opinion on 'change, and carry the bill.

But it is proposed to propitiate Virginia by giving her \$200,000,000 out of the public Treasury, the proceeds of the public lands. If this sum were to be given for the purpose of purchasing the freedom of her slaves, large as it is, it should have my hearty support. It is, I think, at least fifty millions more than would pay for them all at a fair market price. But it is designed for no purpose of emancipation. The cool-headed, cool-hearted, philosophic author had no such "transcendental" object. It is to be specifically appropriated to exile her free people of color, and transport them from the land of their birth to the land of the stranger! Sir, this is a proposition not "fit to be made."

[Mr. AVERETT of Virginia here asked, Did not New England sell slaves?]

Mr. STEVENS. Yes, she sold, she imported slaves; she was very wicked; she has long since repented. Go ye and do likewise.

It is my purpose nowhere in these remarks to make personal reproaches; I entertain no ill-will towards any human being, nor any brute, that I know of, not even the skunk across the way to which I referred. Least of all would I reproach the South. I honor her courage and fidelity. Even in a bad, a wicked cause, she shows a united front. All her sons are faithful to the cause of human bondage, because it is *their* cause. But the North—the poor, timid, mercenary, drivelling North—has no such united defenders of her cause, although it is the cause of human liberty. None of the bright lights of the nation shine upon her section. Even her own great men have turned her accusers. She is the victim of low ambition—an ambition which prefers self to country, personal aggrandizement to the high cause of human liberty. She is offered up a sacrifice to propitiate Southern tyranny—to conciliate Southern treason.

We are told that she has not done her duty in restoring fugitive slaves, and that more stringent laws must be passed to secure that object. A distinguished Senator from Kentucky [Mr. CLAY] says it is the duty, not only of officers in the free States, but of all the people who happen to be present, to give active aid to the slave-owner to run down, arrest, and restore the man who is fleeing from slavery. An equally distinguished Senator from Massachusetts [Mr. WEBSTER] unites with him in denouncing the aggressions of the North in this particular; and they both declare their determination to vote for the bill, with its amendments, now on file, and which has become a part of the "Compromise."

It may be well to look a little at the law as it now stands on the subject, and then at the one which has enlisted such powerful support. By the Constitution alone, without any legislation, the slaveholder may go into a free State, take with him such force as he pleases, and take his slave and carry him back. If the fact of his slavery is disputed either by the alleged slave or any one for him, the claimant may issue his writ *de homine replegiando*, and unless the defendant

gives ample bail for his forthcoming on the final issue, and for the payment of all costs and damages, (which include the value of his services in the mean time,) the plaintiff may take him into his possession, and retain him until final trial by a court and jury. Is not this sufficient? It is all the right which he would have if he claims property in a horse, or other property which he might allege had strayed over the line. Why should he have any greater right when he claims property in man? Is a man of so much less value than a horse, that he should be deprived of the ordinary protection of the law? Sir, in my judgment, the remedy ought to be left where the Constitution places it, without any legislation; that the odious law of 1793 ought to be repealed.

By that law, the slaveholder may not only seize his slave and drag him back, but he may command the aid of all the officers of the United States Court; take his alleged slave before the judge, and after summary examination, without trial by jury, may obtain a certificate of property; which, for the purpose of removal, is conclusive of his slavery, takes away the writ of *habeas corpus*, and the right of trial by jury, and sends the victim to hopeless bondage. If an inhabitant of a free State sees a wretched fugitive, who he learns is fleeing from bondage, and gives him a meal of victuals to keep him from starving, and allows him to sleep in his out-house, although his master is not in pursuit of him, he is liable to the penalty of five hundred dollars. A judge in Pennsylvania lately held that a worthy citizen of Indiana county incurred such penalty by giving a cup of water and a crust of bread to a famishing man whom he knew to be fleeing from bondage. A slave family escaped from Maryland; went into Cumberland county, Pa., and obtained the reluctant consent of a worthy farmer to sleep in his hay-loft. Their owner did not pursue them for a week afterwards. It was held by a State court that the farmer was liable for the full value of the slaves, beside the \$500 penalty, and a jury returned a verdict for \$2,000 and costs. Such are some of the provisions of the law of 1793 now in force, which these great expounders of constitutional freedom hold to be too mild! And more stringent laws are to be passed to punish Northern men who have a heart!

The law which they propose to support doubles all these penalties. But that is not its most obnoxious feature. It expressly recognises slavery in the Territories.

In section 1 it provides, "That when a person held to service or labor in any State or Territory shall escape into any other of said States or Territories," &c.

We have no Territories except New Mexico and California, both of which are free by their present laws. This bill recognises slaves capable of fleeing from "Territories," and extends the fugitive laws to them. This settles the Wilmot Proviso most effectually, and seems to render it necessary somewhat to strengthen and "reënact the will of God."

It provides that the claimant may arrest such alleged fugitive, "and take him or her before any judge of the Circuit or District Court of the United States, or before any marshal, commissioner, or clerk of such court, or any postmaster of the United States, or collector of the customs residing or being within such State where such

seizure or arrest shall be made; and upon proof to the satisfaction of such judge, commissioner, clerk, marshal, postmaster, or collector, as the case may be, either by oral testimony or *affidavit taken before and certified by any person authorized to administer an oath*, that the person so seized owes service or labor, &c., it shall be the duty of such judge, marshal, postmaster, &c., to give a certificate to such claimant, his or her agent or attorney, which shall be sufficient warrant for removing such fugitive to the State or Territory from which he or she may have fled."

An amendment proposed by the Committee of Thirteen provides, that the claimant may make up a record before a court in his own State, without notice to the alleged fugitive, proving his slavery and absconding; and, on producing this before the High Court of Tide Waiters or Postmasters, it shall be taken to be conclusive evidence of the facts; and on the production of which, those officers are required to give the certificate of slavery. These are most extraordinary tribunals. These are awful trials. Clerks of courts, marshals, collectors, and township postmasters, are transformed into high justiciaries, whose signature to a prepared certificate is to be conclusive of the liberty of human beings! They are the sole judges of the law and the evidence; and from their judgment there is no appeal. The *habeas corpus* is annulled; the trial by jury denied. The evidence, which they are bound to hold conclusive, may be made up *ex parte*, by affidavit or record, a thousand miles from the party whose safety is involved in it. If, on his arrest, he should be able to prove that he was born free, and had resided in a free State all his life, he is not permitted to do it. These *ex parte* records close his mouth, and stop up judicial ears. These learned judges—these tide waiters and country postmasters, who make no pretensions to legal learning, are compelled, not to judge, but to decide without judging, that the affidavit of a distant soul-dealer is evidence of slavery, which cannot be gainsaid. The slave-hunter may bring his postmaster-judge, as well as his proof, with him; for the law gives jurisdiction not only to one residing but *being* in the State where the arrest is made. Behold this court and jury to pass on human liberty!—an overseer, with a power of attorney; the affidavit of a professional slave-trader; an itinerant postmaster from Virginia signing judgment in a bar-room; the defendant, a hand-cuffed negro, without counsel, witnesses, or judge. Verily, a second Daniel has come to judgment.

A decree thus obtained, without a jury to pass on the facts, is to conclude the rights of man, and silence the law.

The distinguished Senator from Kentucky [Mr. CLAY] wishes further to make it the duty of all by-standers to aid in the capture of fugitives; to join the chase and run down the prey. This is asking more than my constituents will ever grant. They will strictly abide by the Constitution. The slaveholder may pursue his slave among them with his own foreign myrmidons, unmolested, except by their frowning scorn. But no law that tyranny can pass will ever induce them to join the hue and cry after the trembling wretch who has escaped from unjust bondage. Their fair land, made by nature and their own honest toil as fertile and as lovely as the vale of Tampe, shall never become the hunting-ground on which

the bloodhounds of Slavery shall course their prey, and command them to join the hunt.

Sir, this tribunal would be more odious than the Star Chamber—these officers more hateful than the Familiars of the Inquisition.

Can the free North stand this? Can New England stand it? Can Massachusetts stand it? If she can, she has but one step further to take in degradation, and that is to deliver her own sons in chains to Southern masters! What would the bold Barons of Runnymede have said to such defenders of Liberty? What would the advocates of English freedom, at any time, have said to those who would strike down the writ of *habeas corpus* and the right of trial by jury, those vital principles of *Magna Charta* and the Bill of Rights? They would have driven them forth as enemies in disguise.

Sir, I am aware of the temerity of these remarks. I know how little effect they will have, coming from so obscure a quarter, and being opposed by the mighty influences that create public opinion. I was struck with the sound sense of the remark made to-day by the gentleman from Tennessee [Mr. GENTRY.] He said that the "Compromise" bill was winning favor with the People, most of whom had never read it, merely because it is advocated by great names in whom they are accustomed to confide.

Late events have convinced me that it were better in republican, representative Governments, where the People are to judge and decide on every measure, if there were no great, overshadowing names, to give factitious force to their views, and lead the public mind captive. If the People were to put faith in no man's argument, they would examine every question for themselves, and decide according to their intrinsic merit. The errors of the Small do but little harm; those of the Great are fatal. Had Lucifer been but a common angel, instead of the Chief of the morning stars, he had not taken with him to perdition the third of the heavenly hosts, and spread disunion and discord in celestial, and sin and misery in earthly places.

Sir, so long as man is vain and fallible; so long as great men have like passions with others, and, as in republics, are surrounded with stronger temptations, it were better for themselves if their fame acquired no inordinate height, until the grave had precluded error. The errors of obscure men die with them, and cast no shame on their posterity. How different with the Great!

How much better had it been for Lord Bacon, that greatest of human intellects, had he never, during his life, acquired glory, and risen to high honors in the State, than to be degraded from them by the judgment of his peers. How much better for him and his, had he lived and died unknown, than to be branded through all future time as the

"Wisest, brightest, meanest of mankind?"

So now, in this crisis of the fate of liberty, if any of the renowned men of this nation should betray her cause, it were better that they had been unknown to fame. It need not be hoped that the brightness of their past glory will dazzle the eyes of posterity, or illumine the pages of impartial history. A few of its rays may still linger on a fading sky; but they will soon be whelmed in the blackness of darkness. For unless progressive civilization, and the increasing love of freedom

throughout the Christian and civilized world, are fallacious, the SUN of LIBERTY, of universal liberty, is already above the horizon, and fast coursing to his meridian splendor, when no advocate of slavery, no apologist of slavery, can look upon his face and live.

NOTE.—Since this speech was delivered, I have read a very able work by Rev. Moses Stuart, lately theological professor at Andover. He speaks of the "*blessings and comforts*" of slavery. He says, "Christ doubtless felt that slavery might be made a very tolerable condition—nay, even a blessing to such as were shiftless and helpless."—Page 46. This is flattering to the poor! His work is able, and contains a very glowing eulogy on the Hon. Daniel Webster, and rather a faint one on the Bible. His object seems to be to prove from Scripture the lawful and just; and the unlawful and unjust character of slavery. He proves that as soon as Moses and his people had got out of bondage, they turned kidnappers. The first hundred pages of the book prove, by numerous Scriptural texts, that slavery being instituted by God in old times, and sanctioned by Paul and the Apostles, is not sinful—not *malum in se*; and he lectures the North, and exhorts them to forbearance towards their Southern brethren, many of whom he knows to be true Christians, as he once visited Charleston, and was treated with great kindness, respect, and hospitality.

After having fully proved the divine nature of slavery, and the unchristian character of those who revile Mr. Webster and the South, and send him anonymous letters, he takes a look at the other side, and addresses himself to slaveholders; and with great clearness and ability, (though in a short space,) demonstrates from the New Testament that slavery is a most sinful and wicked institution, *malum in se*, and opposed to the fundamental law of God! He clearly proves, not only from Scripture, but *alunde*, that "all men are of one blood," and equal. Page 103, he says of slavery, "It is a glaring contradiction of the first and fundamental principle, not only of the Bible, which declares that all men are of one blood, but of our Declaration of Independence, which avers that all men are born with an *inherent and inalienable* right to life, liberty, and property. The South have universally subscribed to this, as well as the North."

Same page—"And if all this be true, then for one part of mankind to enslave another, stands on the single ground of *might prevailing over right*—neither the law of love, nor doing as we would be done by, permits any man to act on such ground and *be guiltless before God*." (*Malum in se*.)

He speaks of the immoral tendency of slavery; declares it to be a virtual state of concubinage, which is encouraged for the sake of increasing slave property. He proceeds to illustrate this from what he saw in the South, the mixed colors &c. Says it pervades married as well as single life; and, turning sharp upon his Southern friends, exclaims—"Retribution begins here in this life; but, O! what will it be in the life to come?" "*Whoremongers and adulterers, God will judge*."—Heb. xiii, 4.

Fi! friend Stuart! "SPEAK EVIL OF NO MAN," as you say to Northern Abolitionists. How impartial! Verily, *this* Moses is a fair man.

SPEECH

OF

HON. JOHN BELL, OF TENNESSEE,

IN THE SENATE OF THE UNITED STATES, JULY 3 AND 5, 1850,

On the Bill for the admission of California into the Union, the establishment of Territorial Governments for Utah and New Mexico, and making proposals to Texas for the settlement of her northern and western boundaries.

Mr. BELL said: Mr. President, I am admonished, by the proceedings of the morning, and the remarks of the honorable Senator from Texas [Mr. Housron] who has just taken his seat, that this subject is, from day to day, becoming more complicated, and new difficulties interposed to any harmonious adjustment. Interests and passions and topics are introduced and appealed to, in my judgment, neither appropriate nor well timed. I shall be compelled to treat the subject, to some extent, as others have treated it, however alien to my feelings and views of strict propriety. I cannot hear allusions and commentaries made upon the course and conduct of a high officer of the Government, in whom I have confidence, with whom I am politically connected, and in whose character I think the country itself has a deep stake, without taking some notice of them in the course of the remarks which I propose to submit.

From the moment, Mr. President, I perceived that no peace would be made with the Republic of Mexico by the late Administration without a further acquisition of territory, I, in common with others, had a pretty clear perception of the dissensions likely to grow out of it; and, from the date of the treaty of Guadalupe Hidalgo, there were two points in the policy which it became the Government to pursue, if we would preserve the harmony, and perhaps the peace, of the country, which, in my judgment, were cardinal and imperative: first, that all the questions connected with the new Territories should be adjusted as speedily as possible; and, secondly, that the adjustment, when made, should be final and irrevocable, leaving no open questions to irritate and fester in the public mind. For these reasons I was not satisfied with what was called the Clayton compromise bill. In addition to the objection interposed to my mind, growing out of the bad policy of throwing upon the judicial department of the Government the responsibility of deciding a question in its nature political, and giving rise to such intensity of interest and excitement, I believed the adoption of that measure would only postpone, to an indefinite period, the decision of a controversy which, all the while, would be assuming a more and more aggravated complexion. Still the question recurred, upon what plan could these questions be promptly, finally, and irrevocably settled? At the last Congress I brought my mind to the conclusion, of which I afforded full evidence in debate on this floor, that the extraordinary measure of bringing these Territories into the Union as a State or States, and allowing the inhabitants to settle for themselves the question of slavery or no slavery, as their interests and sentiments should dictate, was justifiable, under the extraordinary circum-

stances in the condition of the country, and the only measure in our power to adopt, which promised to accomplish the twofold duty of giving to these Territories the immediate protection of an organized civil government, and of repressing the growing dissensions between the North and the South; and at the same time violate no principle of the Constitution and no well-settled sentiment of right or justice. As some hard blows have been dealt against those who have favored this plan of settlement, and as I may have occasion to return them with interest before I have done, I desire those gentlemen of the last Congress who agreed with me upon this subject, but whose names do not so appear upon record, to bear that fact in mind.

As to my individual opinions upon this subject, and as to the mode of settling these distracting questions which would be satisfactory to me, never having had any confident hope or expectation that slavery would, under any circumstances, find its way into these Territories, any plan of adjustment which involves no violation of constitutional principle, and which promises to give general satisfaction to the country, would be acceptable to me. With these limitations, I am free to give my support to any arrangement, no matter by whom suggested or brought forward; and I would be the last to seek to embarrass any plan of adjustment which held out a reasonable hope of restoring harmony to the country, by insisting upon any favorite measure of my own.

With regard to the peculiar measure now before the Senate, I have up to this moment remained uncommitted to it, as the distinguished chairman of the select committee [Mr. CLAY] knows. I have listened with the greatest patience and the most respectful attention to almost every word and sentiment which has fallen from the lips of the various gentlemen who have addressed the Senate for and against the measure. I have, in every instance I believe, voted for those propositions to amend the bill which, in the judgment of its most ardent supporters, were calculated to recommend it to the favor of the Senate and the country, and against those which it was supposed would prejudice its chances for success. I have, at the same time, voted against the separation of the several propositions united in this bill, having no scruples as to the propriety of uniting several distinct propositions in the same bill, when a great public good is proposed to be accomplished by it, however opposed such a course may be to general parliamentary law and usage. But while I have thus contributed to sustain the measure, it has at no time met my cordial approval. I have been rather actuated, in my course, by the hope that it would yet assume a shape which would recommend it

more strongly both to my own judgment and to that of the country, than by any particular favor or partiality to its provisions as they now stand.

The country, Mr. President, desires and expects some adjustment of these distracting questions before the adjournment of the present session of Congress. It is natural to suppose that the mode of adjustment which would be most acceptable to one section of the country would not be equally so to the other; and I am well aware that no scheme of settlement which it is in our power to adopt can secure entire satisfaction and harmony. But whatever we do should hold out some rational prospect of general content and acquiescence. If the provisions of the bill under consideration held out this salutary assurance, that alone would commend it to my hearty support; but, sir, I cannot be led into an unhesitating and zealous support of this measure, by the oft-repeated and confident declarations of its more ardent friends, that it will quiet the dissension and restore harmony to the country, when I see all around me, in the Senate, in the country, in the public press, the elements of continued agitation and discord; the evidences of renewed conflicts on the subject of these Territories. What rational hope can be indulged that a measure which is scarcely able to secure the support of a majority of either branch of Congress; which is opposed with equal fierceness and obstinacy by a respectable portion of the Representatives of both North and South, will bring that healing upon its wings which its friends have so confidently predicated of it? The cry is peace! peace! give us this measure and the interrupted harmony of the country will be restored; but, sir, I fear there will be no peace, no permanent concord and harmony, whatever lulling influence the adoption of this measure might have, for a time, upon the surging elements of popular opinion and sentiment, North and South.

It is well known, Mr. President, to my particular friends, that the plan of adjustment reported by the select committee was regarded by me as deficient in comprehensiveness; that it assumed a basis of settlement in regard to these Territories too narrow and restricted to secure the great objects of permanent peace and harmony. In my opinion, sir, it should have embraced every question connected with those Territories, including Texas. All ground of future, as well as present discord, should be removed. Permit me to say, Mr. President, that I had cherished the hope that those gentlemen who, from the commencement of this session, have taken the lead upon this great subject, would have extended their views far beyond the range of the present measure; that a far more comprehensive and permanent scheme would have been matured by them. I had a right to expect this from the honorable Senator from Mississippi, [Mr. FOOTE,] to whose indefatigable energies and talents we were indebted for the Committee of Thirteen. I had a right to expect this from the distinguished gentleman from Michigan, [Mr. CASS,] whose enlarged and liberal views upon many points connected with this subject elicited my admiration. I had a right to expect this more particularly from the honorable and distinguished Senator from Kentucky, [Mr. CLAY,] whose advent among us was heralded by the annunciation of his purpose to bring his ripe experience, great name and influence to some plan of adjustment, that would compose these unhappy questions forever. And I had a right to expect this course from the able and distinguished Senator from Massachu-

setts, [Mr. WEBSTER,] who, with such noble intrepidity, has breasted the torrent of fanaticism at the North. When the plan of such gentlemen falls so far short of what the Senate and the country had a right to expect of them, it is to me, at least, a matter of deep regret, and so, I think, it must prove to the public. Sir, when giants set their hands to a work, we expect something more than the product of ordinary mortals; something more than the mere expedient of a day, a measure to answer a temporary emergency. Sir, I do not mean to boast myself of superior sagacity and wisdom. I pretend to see no further into the future than any other gentleman of ordinary observation may see if he chooses; but had I the gifts that others have; had I the powers, like them, not only to control and sway a listening Senate, but the million without; had I the hold upon the public confidence that others have, I never would have ceased, from midwinter to this hour, upon all proper occasions, to proclaim my apprehension that unless some plan of adjusting these distracting questions should be devised, more permanent and comprehensive in its provisions than the one now before the Senate, a controversy would arise in the South which would shake the fabric of this Union, solid as it is, until its foundations shall be moved or riven.

The President of the United States has been taken to task because he would not modify his views upon this subject, communicated by his message of the 24th of January, so as to correspond with the plan presented by the Committee of Thirteen. Now, sir, if I were disposed to make an issue with the President on this subject, I would not raise a question about such a plan as this; a plan of such questionable utility and superiority. I would raise it upon much broader grounds. I would tax him and his Cabinet, together with the honorable and distinguished leaders upon this question in the Senate, to whom I have before alluded, with the neglect of a great occasion of settling all these questions on a permanent basis, and securing quiet for the future as well as the present. I would charge him and them with having failed to avail themselves of a combination of circumstances and influences which may never again be presented, of healing these dissensions upon a basis so solid that posterity might have occasion to rise up and bless their memories.

I know it may be said that at no period of this session would such an extended project of adjustment have passed both Houses of Congress. I do not believe it. Sir, if at the beginning of this session, when the game was fairly afoot; when every patriotic mind of the North and of the South was fully roused to a sense of the dangers which threatened the peace and harmony of the country, the giant intellects which have expended their energies upon the piece of political joinery now before us had extended their views to a more enlarged plan of adjustment, I believe it could have been carried. There would perhaps have been a storm. The tempest would have raged furiously for a time; but who would not have been ready to encounter it, in its utmost fury, when he knew that a calm must soon follow? I would have been content to have witnessed what many would denominate a factious proceeding; I would have been willing to have seen the experiment tried of forcing the country to be reconciled, by settling this question on a broad, just, and permanent basis.

Mr. Presiden , at an unlucky hour, which I cannot but say I have regretted ever since, I pre-

sented a plan for the settlement of the questions connected with these Territories, made up chiefly of the propositions submitted by others, but combined and modified by me in such manner as appeared to me at that time to embrace every question which might arise in the future. This I did, at the suggestion of some partial friends, who supposed that, coming from the quarter and occupying the position I did, and that, by yielding to the opinions of others upon some points, more substantial advantages might be secured upon others, the prospect of a satisfactory adjustment would be advanced. I say I regret this now, because, having failed in those advantages I had at heart, I am placed in a position of apparent inconsistency. The plan I proposed, as a whole, was a compromise of my own opinions, and the tenor of my present argument will seem to conflict with my former views.

In justice to myself, I must beg the indulgence of the Senate while I notice some of the objections stated to the most prominent feature of the plan of adjustment which I had the honor to propose, and which failed to meet with the concurrence of a majority of the select committee. I proposed to provide for the prospective admission of new States to be carved out of Texas, and to place such admission upon the ground of a renewed compact. To this it was objected by some, that perhaps Texas does not desire to divide her territory; by others, that the initiative should be taken by Texas. The Senator from Illinois [Mr. SHIELDS] said it would be impolitic and injurious, under present circumstances; and this proposition seemed to have the assent of two or three southern Senators. It was also said that sufficient for the day was the evil thereof, and that, perhaps, Texas would never raise the question.

In reply to the suggestion that Texas do not desire to separate her territory, I will remark that this may be true at the present time. But Texas is not to-day what she will be to-morrow. She has a growing population, a vast territory, estimated at two hundred thousand square miles, besides upwards of one hundred thousand proposed to be ceded by this bill; a territory quite too large for the convenient government of her people under a single State organization. Her western inhabitants will soon demand a separate government. Besides, Texas has an interest now—the payment of her debt by the United States—which will, for the present, control her councils. Texas is scarcely free to speak on this question at the present time. Her representatives are trammelled; whatever measure holds out the prospect of relieving her of the burden of her debt, however objectionable in other respects, they must hesitate before they will do anything to embarrass. The measure I proposed was not designed to coerce Texas to assent to it. The adjustment—the pacification—would be complete on this point, if by a new compact, based on the cession of part of her territory to New Mexico, it were provided that new States, whensoever carved out of her present territory, with appropriate territorial area and population, and with constitutions republican in form, should be admitted into the Union without further legislation. It would not be of the smallest consequence to the object at present in view, whether Texas should ever give her assent to a division of her territory or not.

But it is said that Texas ought to take the initiative in this movement. It is begging the question to say that the people of Texas ought first to de-

mand the fulfillment of the guarantees of the annexation resolutions. My proposition is, to provide, by an irrevocable and irrevocable public act, that when the people of Texas shall think proper to move, what they desire will already be accomplished; so that no issue can be presented which can disturb the Union. That Texas will, at no very remote day, move upon this subject, who that knows anything of the extent of her territories, her increasing population, and the character of that population, can doubt? And as to the existing compact, do we not see preparations already making in advance at the North for defeating its fulfillment? Even now it is stated that the question as to the number of the population, the area of the territory, and the time of admission, will put it completely in the power of a majority in either House of Congress to control the whole subject. The validity of the annexation resolutions will be denied by but few; but whenever a new State shall be presented for admission, if either the amount of population, the extent of territory, or the period of application shall not prove acceptable to a mere majority in either branch of Congress, the measure falls to the ground. Who, then, does not perceive, that unless the popular sentiment on the subject of slavery at the North shall undergo a great and radical change, the guarantee of the annexation resolutions will become a nullity?

But it is said to be impolitic and injurious for Congress now to move upon this subject. Impolitic now, when the leading and patriotic minds at the North admit the obligation of the guarantee, and before agitation shall have had time to consolidate an opposite sentiment? Impolitic now to take advantage of a favorable occasion to settle this question once and forever, and thus to defeat by anticipating an evil? Impolitic—when we see the cloud in the distance, surcharged with the elements of the hurricane, to provide a shelter from its fury while we may? If this be impolitic, I shall be pleased to learn the time and circumstances which would be more propitious. Will the time be more favorable when we shall have admitted six or eight additional free States?

But to press this proposition now, it is said, would be injurious to the settlement of other great questions and issues. What other issues? The fugitive slave bill? What legitimate connection has the fugitive slave bill with the measures affecting the Territories, or Texas? None whatever. What member of this Senate, or of the House of Representatives, will be controlled in his vote upon the fugitive slave bill, whether for or against it, by the fate which may attend any proposition connected with California, New Mexico, or Texas? That is a measure which stands out by itself. It is to correct a source of annoyance on the borders of the free and slave States, which every patriot, North and South, will go as far as he can to remove. The same thing may be affirmed of the District slave trade bill, which has no manner of dependence upon, or connection with, any proposed territorial arrangements. The only issue, then, to which my proposition can be in any way injurious, is presented by the measure now before the Senate; and with him who supposes that the success of that measure will secure the harmony of the country, the argument is entitled to great weight; but, in my humble judgment, the omission to embrace the questions connected with new States to be carved out of Texas, will give rise to an amount of evil which will more than counterbalance any good

which is likely to attend the adoption of the present measure.

But it is said that "sufficient for the day is the evil thereof." I admit, sir, that the evils of the day are great indeed; but, though we should adjust upon terms generally satisfactory every other question connected with the subject of slavery, and fail to settle this one, we shall have done but half of our duty; nay, more, we shall have neglected to adjust, perhaps, the only one which can become really formidable to the Union. It will be perceived that the proposition submitted by me on this subject embraced a settlement of the boundary question.

Again, it is objected that Texas may never propose the formation of new States out of her territory. Why, if the increasing population; if the growing inconvenience of a single State organization in so large a territory; if the agitations to which ambitious aspirants to office and honors among her own citizens should not be sufficient to raise the question as to the formation of new States, there will be found a sufficient auxiliary interest throughout the States of the South generally, to insure such a result. And I predict that within three years—within five at the furthest—we shall have to meet this question in Congress, and then the present excitement will seem but a summer breeze to the hurricane which will sweep over the land.

I come now, Mr. President, to speak more directly of the provisions of the bill under debate. The first proposition is to admit California into the Union as a State. I must confess that, after listening to the acute and eloquent speech of the honorable Senator from Louisiana, [Mr. SOULE,] I had some doubts raised in my mind as to the security of the rights of the United States in the public domain, and in the mineral property especially, if we should admit California with her present constitution. I am not so clear that it would not be more prudent to demand some more reliable provision for the security of these rights than is to be found in that instrument. But I have come to the conclusion that if this bill can be moulded into a form to secure those other and higher interests of peace and harmony, insecurity of the public domain, including all the riches of the gold mines, should form no insuperable impediment to its adoption. As to the exception taken to the boundaries of California, as defined in the Constitution laid before us, my views in relation to the policy of the country in that respect were fully disclosed at the close of the last Congress. I care not how extensive those boundaries may be. I should take no exception to them had they included Deseret as well as the valley of the Sacramento and the San Joaquin, together with the whole country south. Doubtless at some future day California may be divided into two or more States, but for the present I can perceive no ground of wisdom or expediency in making provision for more than a single State. I am sure that the South has no particular interest in the subdivision of the territory of California, unless some better prospect than I can descry at present were presented that slavery would be established in some portion of it.

But great and vehement opposition and exceptions have been urged to the manner and circumstances attending the formation of a State constitution by the people of California. The President especially has been severely censured and condemned for the part he is said to have had in the

proceedings which led to the formation of that instrument. And here I must beg leave to notice the course of an honorable Senator from Virginia, [Mr. Mason,] whose remarks upon the alleged interference of the President in the affairs of California were matter of great surprise to me, when I consider how just and considerate he usually is in all that he says. That gentleman seemed to be at a loss for language to give utterance to his indignation, or to characterize in suitable terms the usurpation of power and authority which he ascribed to the President. It was monstrous; it was wanton; he had almost said wicked; and he was astonished that no more notice had been taken of his conduct. I must be permitted to say that I think the honorable Senator did injustice to himself, as well as to the President, in these remarks. He doubtless supposed that he had sufficient reasons for the strong sentiments he expressed upon this subject, but they do not strike me with equal force.

Well, sir, what is the true history and extent of the President's interference in this matter of the formation of a State constitution for California? Sir, it appears from authentic documents, that before President Taylor came into office, or, at all events, before it is pretended that any official or other communication did or could have reached California after his inauguration, the project of the formation of a State constitution and making application to Congress for admission into the Union as a State, was seriously meditated, and the determination taken by the officers in command in that Territory—and, doubtless, with the concurrence of the leading inhabitants—as the most expedient and proper course to pursue in the event that Congress, then in session, should adjourn without providing a territorial or other government adequate to their wants. I have the official documents before me in proof of what I state, but I will not detain the Senate by reading them. I found my statement upon a letter of General Persifer F. Smith to the Secretary of War, dated June 20, 1849, and upon a similar communication from General Riley, dated June 30, 1849. It thus appears, that if President Taylor had forbore giving any instructions or advice, either through the officers in command in California or by special agent, a convention would have been called and a constitution framed and presented to Congress for its sanction. President Taylor is, therefore, no further implicated in the proceedings in California than that he has approved the policy which dictated them, and recommended them to Congress for its consideration.

But I go further, and assert that the President, in approving the proceedings in California, was doing no more than conforming to the sentiment and expectation of a large portion of the people of this country, North and South. For, sir, it cannot be forgotten that before the adjournment of the last Congress, it was predicted by members upon this floor, and the belief indulged by a still greater number, that, if that Congress adjourned without providing a government in some form for California, so great was the influx of emigrants from the States into that Territory, so urgent would become the necessity for the protection of a regularly-organized government, that the inhabitants, in view of the obstacles that existed in Congress to the formation of a territorial government at any time, would form a State constitution, and ask admission into the Union as a State at the ensuing Congress. What has taken place in California is the

natural and almost inevitable result of the necessities of that people—left as they were with a numerous and increasing population, assembled from all quarters of the world, without any solid security for life or property, and exposed at every moment to all the evils of anarchy and civil broil. Were it necessary to give strength to this statement that I should indicate the number of those members of the last Congress who entertained this expectation, I could more readily perform the task by inquiring what individual Senator did not anticipate that California would be knocking at our door, constitution in hand, asking admission into the Union as a State at the ensuing session of Congress. I might go even further, and say that there were many patriotic members, at the close of the last Congress, who, in despair of any effective legislation by Congress for the protection of the people of California, in the usual and customary mode, looked to the voluntary formation of a constitution by them, and their admission into the Union as a State, as the only expedient by which the country could escape from the embarrassments which threatened its peace and harmony. But suppose, sir, it be taken for granted that President Taylor originated the proceedings in California which resulted in the formation of a State constitution, or that, without his encouragement or connivance, no such proceeding would have been entered upon—of what offence against the laws and Constitution of his country is he guilty? Where is the ground for the charge of usurpation? What power or authority has he unlawfully assumed? He has erected no State in California, nor has he pretended to exercise such authority. He has simply, and at the furthest, recommended the people of that Territory to form a constitution and ask admission into the Union as a State. He has not sought to abridge the powers of Congress; nor has he violated, in the slightest degree, any principle of the Constitution. What we are in the habit of denominating in debate the *State of California*, is not a State of the Union; nor does the government now in operation in California constitute the slightest impediment to the fullest and freest exercise of all the rights of sovereignty and jurisdiction which the United States has had at any time over the people and Territory of California; nor does the State constitution presented to us by the people of California carry with it any greater obligation or validity, as against the rights of sovereignty vested in the United States, than a piece of waste paper; no more than a similar instrument formed by a *moot society* of young men, assembled to try their hand in forming State constitutions, unless Congress shall think proper to give it vitality. All that has been done in California imposes no legal or constitutional restraint upon Congress whatever in the adoption of its future policy. It may freely either admit her as a State, or govern her as a Territory. Even within her own limits, her present government, her legislative, judicial, and ministerial acts, derive all their force and validity, as between her own inhabitants, from their own voluntary consent and the moral necessity of their condition. But, as against the rights of jurisdiction and property vested in the United States, they have no validity at all. There has, then, been no usurpation of power by the President, for no act has been done by him tending or pretending to be binding upon Congress; and this, I think, was clearly demonstrated by the Senator from Virginia, in the same speech in which

he indulged in such unqualified denunciation of the President. If it be true, however, that the President has been guilty of a usurpation of authority, let me say that this is not the place where the charge should be seriously urged. The other branch of Congress is the place where the charge should originate.

Mr. MASON. Will the Senator allow me, before he leaves the point in which he is treating of my remarks, to interrupt him for the purpose of explanation? I said this: that the President of the United States allowed to pass, without rebuke, the act of his military subordinate, who had not only by his proclamation invited the occupants for the time being to possess themselves of the public property, meaning the Territory of California, but that he had witnessed the act of that military officer in formally surrendering it into the hands of these occupants, with terms of congratulation that they had acquired the public property which he had been intrusted with to preserve for the United States. Now, I ask the Senator from Tennessee, who has thus inadvertently upon my remarks, to say in what mode the President of the United States can be justified, who permits his military subordinates, intrusted with the public property for the time being, to surrender that property into the hands of those not entitled to it. If that was the act of General Riley, either with or without Executive authority, it was done without rebuke.

Mr. BELL. What property does the Senator refer to?

Mr. MASON. The Territory of California, which the Constitution declares is property.

Mr. BELL. The sovereignty, or the fruitful domain?

Mr. MASON. The eminent domain as well as the fruitful domain; the ungranted lands.

Mr. BELL. My answer is, that the President has neither connived at nor encouraged any such thing; no part of the eminent, nor any portion of the fruitful domain, has been surrendered, except you may regard the plundering of the placers or gold mines as such.

Mr. MASON. That is a good deal of it.

Mr. BELL. Well, you have been plundered from the date of my political existence—for the last twenty or thirty years, to my knowledge—and you are plundered every day at home of your property in the minerals and timber of the public domain. Will the honorable Senator stand up and propose some measure to prevent the emigrant from collecting the gold in the placers of California? Why, if you march your regiments to those mines, your officers would soon find themselves without any rank and file. Your ships of war, with which you attempt to guard your coast and protect your revenue, are often found without seamen. Does the honorable Senator think it fair to hold the President responsible for the gold abstracted from the mines of California? If he does, I think his views now expressed more unjust, if possible, than his original charge. The foundation of the policy pursued by President Taylor in California, in relation to every branch of the public service, was laid under the late Administration. The Senator from Alabama [Mr. KING] shakes his head. The instructions given through Mr. Buchanan, after the close of the war, were in no material respect departed from by the present Administration; nor was any change made in the civil government.

Mr. KING. Does the Senator allude to the letter to Mr. Voorhies?

Mr. BELL. I think that is the one.

Mr. KING. If the Senator examines the matter, he will find that it is simply advice that they should get along as well as they could, till the United States gave them a territorial government; that is the sum and substance of it.

Mr. BELL. What I mean to assert is, that the civil and military administration of the affairs of California, whether established by the instructions of Secretary Buchanan or of Secretary Marcy, under the late Administration, were changed by General Taylor in no respect whatever, except so far as the collection of the customs were concerned, and that according to law. But, after Congress had failed at two successive sessions to provide a territorial government; when scarcely a hope could be indulged that the succeeding Congress would be more successful in effecting that object, and when anarchy and civil strife might be justly apprehended, the only remedy which seemed to be left to the people of California was to form a State constitution and ask admission into the Union as a State. General Taylor lent the influence of his station to this policy, so far as to direct that any such measure, voluntarily entered upon by the people of California, should not be obstructed, but have the countenance and support of the United States authorities. General Riley acted without instructions in issuing the proclamation for a convention, but in this he was only the organ of the wishes of the people, acting as their mouth-piece—just as the President of the Senate is understood, in a parliamentary sense, to be the mouth of the Senate, speaking under its directions, and by its orders. Such is the extent of the President's interference in the affairs of California, and of the offence with which he is chargeable. And, after all, I repeat the question, what member of the last Congress did not anticipate that the people of California would do just what they have done, present a constitution and apply for admission into the Union as a State? Still a hue and cry is raised against both them and the President, as though the whole proceeding had taken the country by surprise.

But, sir, it is charged against General Taylor that he cannot urge even a motive of patriotism as an excuse for the policy he has pursued in relation to California. Even the charity of mistaken views of the public interest, and the good of his country, is denied to him; but all that he has done is attributed to the miserable and dastardly motive of seeking to escape the responsibility of meeting the Wilmot proviso. The charge has been made and reiterated in a hundred different forms, and circulated over the country in as many different channels, that General Taylor's whole course and policy upon this subject has been the result of a cowardly shrinking from personal and political responsibility, and a desire to evade an open disclosure of his real sentiments upon a question which so deeply agitated the country during the late canvass for the Presidency. The *grossest fraud*, it is alleged, was practiced upon the country in the late canvass upon this subject, and General Taylor dreads an arraignment before the bar of the public; he shrinks from an issue which would expose his own duplicity, and let the country know whether the North or the South was "cheated" in the late election. I regret exceedingly to have to advert to such topics in a debate upon a subject of such grave importance; but, while I continue to give my confidence and support to the President, my own self-respect demands that I should take some notice of such un-

qualified criminations of his motives and policy. In the late canvass, I knew not nor sought to know the views of General Taylor upon the question of the Wilmot proviso, nor whether he had formed any opinion or determination as to what his course would be, should he be called upon to give or withhold his sanction to a territorial bill for California or New Mexico; but in answer to all the speculations and conjectures upon that subject, whether emanating from the North or the South, I took the ground that neither prudence, wisdom, nor patriotism required that any candidate for the Presidency should predetermine his course, or declare his purpose, in regard to a question upon the decision of which hung not only the peace of the country, but the safety of the Union itself. I took the ground that no man who had any just pretension to the suffrages of his countrymen for the Presidency, would dare to take such a course; and that if General Taylor should declare his intention either to sanction or veto the Wilmot proviso, in advance, I should regard it as an act of the most egregious folly, and affording the highest evidence of his total unfitness for the high station to which his friends sought to elevate him. Upon such a question, I contended, as I still contend, that the highest dictate of duty, wisdom, and patriotism required that a President should reserve to himself the privilege of deliberation and reflection, of weighing tendencies and consequences until the last moment of time allowed him by the Constitution, before he comes to a conclusion so pregnant of momentous results.

I have said that I neither knew, nor sought to know, General Taylor's views upon this subject during the late canvass. I do not now know what General Taylor would do—whether he would veto a bill containing the Wilmot proviso or not. Nor do I believe that the man is living who can say, with truth, that he is better informed upon this subject than myself. In the strong condemnation I have expressed of the course of any aspirant to the presidency who would declare his purpose to veto, or not to veto, the Wilmot proviso, pending a canvass, and before the question should be regularly presented for his decision, I beg leave to say that I mean no censure upon the course of the distinguished Senator from Michigan, [Mr. Cass,] whom I am sorry not to see in his place. I do not remember, nor do I understand, that that distinguished gentleman avowed his purpose during the late canvass to veto a bill containing the obnoxious clause of the Wilmot proviso, should it become his duty to act officially upon the question. I understand that gentleman to have expressed the opinion that Congress had no power under the Constitution to legislate upon the subject of slavery at all; or, indeed, even to establish territorial governments. But I never heard or understood that, at any time, or upon any occasion, he expressed his determination that if he were President he would veto the Wilmot proviso. If I am mistaken in this statement, and he has any friend in the Senate—and I know he has many—I hope he will correct me, and point to the evidence of my error. Nor do I mean to impute to him the least impropriety in having withheld the expression of his purpose upon this point. On the contrary, his course was just such as I would have expected of him, and such as I have already declared to be the dictate of wisdom and patriotism. Sir, his objection to the Wilmot proviso, being founded on his opinion of what the Constitution authorized, and not upon any opinion favorable to the extension

of slavery, it would have been an act of unusual boldness to have declared that he would disregard the former practice of Government, and given no weight to the precedents of the Missouri compromise and the Oregon territorial acts.

But, after all, Mr. President, what is the value of these speculations as to what course General Taylor was, at any time, disposed to adopt in regard to the Wilmot proviso; or as to what he would do, were he brought to the test? No question that ever was raised has had a more factitious importance attached to it, or one which has better illustrated the blindness and insatiation into which the interests of party betray its votaries. I have heard grave Senators, with solemn mien, and apparently after the most serious reflection, declare the conclusion to which they have arrived. One announces his solemn belief that General Taylor would sanction the Wilmot proviso. A gentleman, belonging to another body, has said in a speech that he will vote to apply the Wilmot proviso in a territorial bill, not that he is in favor of it himself, but he wants to compel the President to show his hand. It has also been given out that if the measure now before the Senate is defeated, territorial bills containing the proviso will be passed—I presume with the same laudable object. Now, sir, to illustrate the sageness of these grave counsels and projects, let us suppose the measure before the Senate defeated; the application of California to be admitted into the Union as a State rejected; or suppose, what might have happened, but cannot now happen, that California had formed no State constitution, made no application to be admitted as a State, and there had been no Committee of Thirteen; and suppose, further, a territorial bill for California, with the Wilmot proviso attached, and insisted upon by an unrelenting majority, passed, and the bill then presented to the President and *vetoed*—what would follow? What would be the condition of California? Still, sir, without a regular government, exposed to anarchy and bloodshed, tempted to rebellion and separation. And what would the country, what would the South gain by such a state of things? I want to know, sir. I want some distinguished Senator to enlighten me upon this point. Sir, if there should be no giving way in the North, the South would have the consolation of knowing that no Wilmot proviso had been imposed upon them. And how long would they enjoy this consolation? During three years of agitation and anarchy, and until the next presidential election should roll round, when they would have a northern President who would not veto the proviso. But let us suppose the converse of this case: let us suppose that President Taylor should sanction a territorial bill containing the proviso, what would then follow? Extreme agitation in the South, doubtless. The intrepid and excited champions of southern rights, on their part, would then have an issue they could stand upon; and the issue would be fairly presented whether the South would submit to or resist the majority power of the North, in thus imposing a direct restriction upon the extension of slavery. If a territorial bill should be passed now and sanctioned by the President, we should have the issue now, instead of three years hence; for it would come at last. But who desires such an issue now, or at any time hereafter? Some at the South may, upon patriotic grounds, according to their views of southern interests. But others desire it, that General Taylor may be brought to the bar of public opinion—may be coerced to declare who were

“cheated” in the late election, and “that he may not escape the public scorn” which the concealment of his opinion upon this question in the late election deserves. Well, sir, let those who charge that General Taylor has had no other or higher motive in the policy he has pursued in relation to these Territories, his “non-action” policy, than to screen himself from personal responsibility and exposure, insist upon bringing him to the test they desire: let them present the question of the Wilmot proviso; let them make the issue between the North and the South, which either the President’s sanction or his veto will inevitably raise, and we shall see where and upon whom the results of such an issue will rest. Sir, any man, General Taylor, the Senator from Michigan, [Mr. CASS,] if he were President, might well desire, upon the highest principles that can inspire a statesman or a patriot, to shun the responsibility of bringing such an issue upon the country.

Sir, I will pursue this part of the subject no further. I have said enough to show that General Taylor has been influenced in his course upon this subject by the highest and noblest motives of duty and patriotism.

I must now turn to another branch of the subject under consideration—namely, the provisions of the bill which relate to New Mexico. And upon this branch of the measure now before the Senate, I am sorry to have to say that the course of the discussion has been such as to present the question far otherwise than in that simple point of view, unembarrassed by any considerations of a party or political nature not intrinsically connected with it, in which I had hoped to see it presented. Especial pains have been taken by Senators to hold up the antagonism of the plan of adjustment presented by the Committee of Thirteen and that of the President in a way to present the issue as one between the Executive and Congress. The honorable and distinguished Senator from Kentucky, [Mr. CLAY,] to my infinite regret, led the way in this course of discussion. The honorable Senator shakes his head. If I do him any injustice, I will retract the statement. I am referring to what has passed in debate upon this subject, and it is far from my intention to make any statement that is not strictly true, or which would be in any way unpleasant to the honorable Senator; for he must know that he is the last man with whom I would wish to have a controversy of any kind.

Mr. CLAY. Will the honorable Senator from Tennessee permit me to interrupt him for a moment?

Mr. BELL. Certainly.

Mr. CLAY. It will be recollected by the Senate, and I am sure by the Senator from Tennessee, that it was a week only, or about eight or ten days prior to my delivery of the speech to which he refers, that I made a speech as conciliatory towards the Administration as it was possible for me to find language to put it in. Immediately—I believe it was the very day after the delivery of that speech—the editor of the *Republic*, the organ of the President, came out with the declaration that the President adhered to his own plan. Shortly after this those editors were dismissed, among other reasons, because they approved of the plan of the committee. We have a document now before us which shows that in Santa Fé, so far back as in April last, it was known that the Administration was opposed to any territorial government. What I mean is, that my speech of the

21st of May was defensive against a prior attack, and a meditated attack, on the part of the Administration and its friends, against the compromise proposed by the committee, and not an attack upon the Administration, further than was necessary to defend our measure and to contrast the two measures together before the country. Sir, no man on earth would have been more delighted than I, if, when we presented our plan, which did not necessarily contain any antagonism to the plan of the President, the Executive had adopted one of two courses—either to have recommended silence, permitting Congress to act according to its own judgment, or had signified his pleasure in the adoption of the plan of the committee, or any other plan for the settlement of these questions. But war, open war, undisguised war, was made by the Administration and its partisans against the plan of the committee; and the speech to which the honorable Senator from Tennessee has reference, was a speech in vindication of the plan of the committee.

Mr. BELL. Well, sir, I have no doubt the honorable Senator so thought at the time he made the speech alluded to. I listened with astonishment to the sentiments the honorable Senator then delivered, and I witnessed with pain the manner in which they were delivered; and I confess I thought there was deep feeling manifested.

The honorable Senator has given an explanation. I do not dispute that such were the motives that influenced him on that occasion; but I feel it due to myself, as one of the supporters of the President, to express my regret at the course of the honorable Senator. When I see sufficient reasons to withdraw my confidence from the Executive, I shall do so. I have no favors to ask; I have received none from him, and I am free to do him justice. The honorable Senator will remember (and I pursue this point in justification of myself for having alluded to it at all) that the President's views had been misrepresented. It had been stated in the Republic, or representations had appeared in that journal, from which it might be inferred that the President had changed his policy, and come out in support of the plan of the Committee of Thirteen.

Mr. CLAY. I think the Senator from Tennessee will find that that paragraph in the Republic appeared, if I am not mistaken, the next day after I made my conciliatory appeal to the Executive.

Mr. BELL. That may be so. I noticed the article, but do not remember the date; and I am reminded that similar statements and representations appeared in the Union about the same time. Though not a careful reader of all that appears in the leading papers of the country, yet I looked into them sufficiently to have perceived that, about that time, the drift of others of the leading presses of the country was that the President had changed, or would change his views upon this subject. I remember the conciliatory speech of the distinguished Senator; it was wholly unexceptionable, and conciliatory. I remember also to have remarked to some of my friends, with whom I was in the habit of social intercourse, that that speech was judicious, and well-timed for its purpose. But I happened to know that the President had not, and was not disposed to change his views; and I then foretold that that speech would soon be succeeded by a very different one. The avenues to that knowledge were pretty open to any gentleman that chose to inquire, and whose associations were such as to give him access to the

usual sources of information upon subjects of that kind. We know that these things are not kept secret here. I have not assumed to be, and am not an adviser of the President; I have never undertaken that office, nor am I in the habit of going to him privately for information as to his views. I derived my knowledge of the views of the President, on the subject of the change his opinions were supposed to have undergone, through other persons. But the honorable Senator will remember that the very first speech—I believe it was the first—he made, after the introduction of his resolutions upon this subject, during the winter, there was a very extraordinary appeal made to the Senate, and it was rung through the country, in allusion to the plan recommended by the President. "And where is the Whig," exclaimed the Senator, "who will stand up and maintain the policy of leaving the inhabitants of these Territories under a military government?"

Mr. CLAY, (in his seat.) I repeat the same sentiment now.

Mr. BELL. I know that when the honorable Senator from Kentucky once gives utterance to a sentiment, he never retracts it.

Mr. CLAY, (in his seat.) Never! never!

Mr. BELL. Well, sir, I will not now inquire whether the sentiment was a just interpretation of the President's policy; but the honorable Senator knows that the announcement of such a sentiment by him is a very different thing from a similar one coming from any one else. The influence he possesses, especially with the Whig party, by a great portion of whom he has been idolized for the last quarter of a century, is such that a sentiment announced by him, at the opening of such a question as this, must have had, and did have, great weight in prejudicing the public mind. This, the honorable Senator will recollect, was antecedent to any announcement in the Republic that the President adhered to his original policy. The Senator afterwards did make, as he alleges, a conciliatory speech, and I only regretted that I thought I saw a speech of a different kind brewing. In that speech he expressed the hope that the President would think favorably of the plan of the Committee of Thirteen; and he believed if the President had occasion again to speak his sentiments upon the subject, they would be favorable to that plan. But the President had already taken his course. And where is the attack upon the honorable Senator? The article in the Republic, which is complained of, was rather carelessly and inartificially drawn up. I think it might have been framed in more judicious or skillful language. But, when you come to examine it carefully, what is it beyond a simple announcement that the President had not changed the views he had expressed in his message to Congress, after a mature consideration of the question? If I am not mistaken, there was not a word of censure in it upon the plan which had been proposed by the committee, or by any one else. I know, sir, that in many of the newspapers of the North, and elsewhere, the plan of the committee was condemned and opposed; but in none that could be fairly considered the organs of the Administration, or for whose course and opinions the President could be held responsible. We all know, sir, that a man placed in the position of General Taylor, and assailed as his policy has been, is still like other men; and it is quite probable that in moments of excitement expressions may have escaped him, in private intercourse, which he would regret in his calmer mo-

ments. But, in the case of a functionary like that of the President of the United States, is it just or reasonable that expressions thus uttered should be attributed to him as his deliberate sentiments, unless they are so announced by some of his friends who are authorized to speak for him, or by some organ known to be in his confidence? It is no disparagement to the distinguished Senator from Kentucky to say that he is a little too sensitive upon these questions, when he considers a simple announcement in the Republic, that the President still adhered to his original opinion, an attack upon him.

Mr. CLAY, (in his seat.) No, not an attack upon me, but upon the measure.

Mr. BELL. To make the most of it, by inference and implication, it was simply an announcement that the President could not recommend the plan of the Committee of Thirteen, in preference to the plan recommended by himself. It had been reported that he had changed his views, and it was but just and fair to himself and to the country that it should be known that he had not. And then the speech followed to which I have alluded, in which the honorable Senator proceeded, in the most formal manner, to call the attention of the Senate and the country to the fact that the President had avowed his determination to adhere to his own plan, and to mark the points of antagonism between the two plans. May I be permitted to say of the whole matter and manner of the honorable Senator, in speaking of the limited length to which the President proposed to go, and of the condition in which he proposed to leave New Mexico, and of his refusal to give his support to the plan of the committee, that it was one of unqualified denunciation; particularly in his allusion to that people left under the protection of a "lieutenant colonel," a "subordinate officer of the army;" and in his call upon "the American people to witness the spectacle of a people, in time of profound peace, in this free and glorious republic, continuing under a military government." Sir, I know that these are the sentiments of the honorable Senator. I do not censure him for entertaining these sentiments; nor for his vindication of the measure before the Senate, in which I shall be happy to agree with him in supporting, if it shall be found to be the only one which can give quiet to the country. But I repeat that it is the manner and the connection in which the honorable Senator introduced these sentiments; the injustice done to the plan of the President, and the exception taken to the mere announcement that he adhered to it; it is the interests and passions awakened and the embarrassments thrown into the discussion that I regret.

Mr. CLAY. Will my friend, for I really regard him as such, allow me to make one or two observations?

Mr. BELL. Certainly, sir.

Mr. CLAY. Sir, I came here with the most anxious desire to coöperate with the Administration in all public measures, and that desire remains, so far as I can coöperate with them. But I came here also with the firm and unshaken determination to act upon my own judgment and convictions of duty.

Now, sir, with regard to the particular article in the *Republic*, to which my friend refers, I admit that although the language is guarded, and that it is only by implication you can arrive at the conclusion to which my mind was brought, of the determination on the part of the Executive to oppose

any measure but his own, if that had stood alone and had not been followed up by the subsequent dismissal of the editors of that paper; if I had not known and did not feel at this moment in every vein of my body, the influence which the Administration had exerted outside of Congress, and inside of Congress, and in both Houses of Congress; if I did not know that Secretaries and heads of departments have denounced this measure, and that the President himself in derision had called it the omnibus bill—it was all these circumstances taken together that led me to the conclusion that I would defend the measure, and I would defend it against a thousand Presidents, be they whom they may.

[Applause.]

Mr. BELL. That seems to command the applause of the gallery. I know the honorable Senator will defend any measure of his, not only against a thousand Presidents, but against a united world. But does that prove that the honorable Senator is right in his position? I am aware of the vast control the honorable Senator has over the will and sentiments of men, especially in the Whig ranks; and this he has had for years. But, when the honorable Senator so indignantly denounces military authority, is he unconscious that he is himself a great moral despot? I know something of these moral despotisms. I have had to encounter them in my time. They arise from the admiration which follows great talents, great boldness, moral and physical. These qualities will enchain the opinions and feelings of men; but this is no evidence that they are right, except as to the presumption that arises from our claims to be an intelligent people.

Now, sir, I make no complaint against the honorable Senator for the exercise of this moral despotism, and I am perfectly willing he should make his denunciations. But I desire to say that, so far as regards the course of the President, they will be seen to be not well founded. What was the condition of the President? The honorable Senator knows, and I have seen in my short public career—not more than half his—something of the difficulties of the position of a President of the United States. He knows better than I do the sensibilities that naturally belong to executive power, as well as to those who only exercise a moral power. It is a very delicate and difficult task with both to get along without censure. I know the honorable Senator comes here with a determination not to be dictated to; and he has given the full energy of his talents to the support of the bill reported by the Committee of Thirteen, his favorite plan. The President announced that he still adhered to the plan he had proposed; and the old question is presented whether Mahomet will go to the mountain, or the mountain shall come to Mahomet. I do not undertake to say which is Mahomet, or which the mountain. [A laugh.]

Mr. CLAY. I beg pardon, but I only wanted the mountain to let me alone. [Laughter.]

Mr. BELL. I am not aware that the mountain has made any attack upon Mahomet. [Continued laughter.] The President has certainly, so far as I have understood, made no such attack.

Mr. President, I have looked on this growing controversy with intense interest, because I thought I saw foreshadowed in these circumstances results that might affect the interests of the whole country. I have looked on with deep and profound concern; and if I could have avoided this discussion, or have prevented the causes of such contests as these in this Hall, or elsewhere, I would

have done so most gladly. Sir, it was announced that the President would not change his opinion, and this the honorable Senator considers an attack upon the plan of the Committee of Thirteen.

Mr. CLAY, (in his seat.) Not that alone; there were other concurring circumstances.

Mr. BELL. That was all I had any knowledge of. I know that it has been said, that one or more of the Secretaries had been talking against the Compromise.

Mr. CLAY, (in his seat.) Ah! ah!

Mr. BELL. But I put it to the honorable Senator from Kentucky to say how far he would regard the talk of a Secretary?—how far he would consider the legislation of the country likely to be influenced by what a Secretary might say? And who is it, what member of the Senate, or of the House, and what number of them, would be controlled by such an influence? Look, sir, to the North and the South, and see who they are who support the plan of the President. As to those of the North, are they not pledged and tied to the Wilmot proviso by their instructions, and have they not already receded a little from their platform in coming to the plan of the President? Who among them could a Secretary, or even the President himself, control? Questions now and then arise upon which the weaknesses of human nature may be successfully approached; but now, looking around the Senate, who is here so debased, so subservient, so mercenary, as to be influenced by any considerations of Executive favor or power, in his vote upon a question so important to the peace and harmony of the country?

Now, sir, let me put it to the sagacity and penetration of the honorable Senator from Kentucky—and I know of no man who possesses either quality in a more eminent degree—suppose the President had, upon his invitation, come over to the plan of the Committee of Thirteen, what would have been the cry instantly rung through the country by the opposition presses? I want the honorable Senator to remember that, for the last six months, and during the full period of the discussion upon this subject—even at the very height of the excitement and agitation which filled the whole country with alarm—the organ of a great and powerful party [Washington Union] did not fail to fill its daily sheets with the most violent and unqualified vituperation and abuse of the President, his motives and his policy; charging that he was but the tool of an unprincipled cabal, and that his whole scheme of policy relative to these Territories was founded in the cowardly purpose of avoiding the responsibility of a decision upon the question of the Wilmot proviso; and I put it to the distinguished Senator—and no man can better appreciate the question—what would have been said if, under such circumstances, the President had signified a change of policy, and come over to the support of the plan of the committee? And this, after the honorable Senator himself had declared in his speech, and the whole country considered, that the Wilmot proviso was dead? I perceive that the honorable Senator sees the point.

Mr. CLAY, (in his seat.) Will you let me express it?

Mr. BELL. Let me express it first. [Laughter.] It would have been immediately proclaimed that it furnished the last evidence the President could give of his utter unfitness for the high station he occupied, the sacrifice of his own self-respect, in going for territorial governments now,

when there is no danger of the Wilmot proviso—no danger that frauds and cheats practiced upon the North or the South in the late canvass will ever be revealed. Old Zack, who never flinched from the foe upon the field of battle, shrinks from a question of political responsibility! He was opposed to territorial governments, when he thought the Wilmot proviso might be put at him; but the moment the Committee of Thirteen, seconded by the talents and eloquence of the distinguished Senator from Kentucky, had given the go-by to the Wilmot proviso, he takes the plan of the committee under his wing, and says he is no longer opposed to territorial governments! I know the honorable Senator from Kentucky would be disposed at present to take a very different view of the position of the President. He would probably say that magnanimity and patriotism required that a man should rise above all anticipations of danger from the shafts of calumny. He may exclaim, "What is a man worth who is not willing to sacrifice himself for the good of his country?" I have already given the answer to all this. The inference I have pointed out would be drawn both by opponents and friends. He would have been scoffed at and scorned by his friends at the North; and even his receding friends at the South would have despised him for doing an act so derogatory to his self-respect. What would his opinions hereafter be worth if, under such circumstances, he should have agreed to the plan of the committee, admitting that it was best, after all, to establish territorial governments? The President having recommended the policy he thought most advisable upon this subject, in my opinion, consistency with his principles, required that he should leave Congress to adopt whatever course in their judgment would best promote the public interest, free from any further interference on his part; and this, I understand, he did. He had a right to the expression of his views, and, when so expressed, he had a right to adhere to them, unless he saw good cause to change them—unless he became satisfied that the public good demanded a different policy. And if, without such urgent reason, he had changed his views, I should myself have felt for him infinite scorn. And I am not sure that, if, under all the actual circumstances of his position, the President had given in his adhesion to the plan of the committee, the honorable Senator from Kentucky himself would not in his heart have participated in the same sentiment.

Mr. CLAY. I wish merely to say, with the permission of the Senator, as I stated just now, that there were two courses: one was to come out in support of the measure—and I really do not see how, in that case, the President would have subjected himself to the scorn and contempt the honorable gentleman has so vividly described. But I stated also that there was another course with which the committee would have been satisfied, and that was a course of forbearance—to say nothing, to do nothing against the measure of the committee; to leave to Congress its undisturbed and free deliberations upon a great measure, involving the peace and harmony of the country. I now say, sir, to the honorable gentleman from Tennessee, and in the face of the country, that what he said this moment is in my mouth, and in the mouth of every member of Congress, that, if the President had either come out in support of the plan of the Committee of Thirteen, or been silent—if war had not been made upon it by all the influences of power, the measure would have passed.

both Houses without the slightest difficulty. That is the universal opinion.

Mr. DAVIS, of Mississippi. Not universal. I have to disclaim this statement as being in the mouth of every Senator. It never was in my mouth.

Mr. CLAY. Whenever I mean to allude to the Senator from Mississippi, he will always understand it. I spoke of the great majority of both Houses; and I mean to say that, if members of both Houses were appealed to to-day, there would be a vast majority declaring their conviction that, with the concurrence or forbearance of the Administration, the measure would have passed.

Mr. DAVIS. I will merely say that when the Senator said "every member of Congress," he did mean the Senator from Mississippi.

Mr. CLAY. I spoke in the general language of the day.

Mr. DAVIS. If the Senator from Kentucky used this only as a general expression, I must say that it did not so meet my ear. When that bill was reported I stated my objections to it as early as I could, and there never was a moment when I would have touched the thing without serious amendment. I know nothing of any Executive influence.

Mr. FOOTE. I do.

Mr. DAVIS. Those who have acted with me are certainly independent of it. I do not believe that it exists. That is my opinion. I am not willing that my constituents should understand that I am under such influences.

Mr. FOOTE. Are we to understand the honorable Senator as denying that Cabinet influence has been used against Congress? Why, sir, I will prove that members have been threatened by Cabinet officers that they should not have seats on this floor if they opposed the plan of the President. If the Senator from Tennessee undertakes to make the issue, I will prove that there are but few members of the Cabinet who are exempted from the charge, and who have not openly pleaded with the friends of the President not to sustain this measure. I dare him to make that issue.

Mr. BELL. I cannot gainsay what the Senator from Mississippi says, because he is a Senator and an honorable man. It may be true. I cannot answer for the imprudences of the members of the Cabinet, nor for the hasty speeches of the President himself. There may be moments of irritation and excitement, when words are spoken in regard to some subjects not strictly becoming to gentlemen in high positions; these, however, are fleeting and transitory, and are generally regretted when the moments of reflection return. I dare not undertake to say that these statements and speeches have not been made. But what are they worth, as noticeable here, when they are made? Sir, I ought not to ask that question, perhaps, in a very confident manner, after what the honorable Senator from Kentucky has stated. They are worth a great deal after that; for he has stated that but for the interference of the President and his Cabinet, this measure would have passed long since, and by an ample majority. If that be true; if anything which the President has done; if anything which he has to offer in the way of favor; if any power of punishment which he holds in his hands could control the Senate or the House of Representatives in the decision of such a question, then woe to the country. Woe worth the times when such a sentiment can be entertained here, and announced to the country from this Chamber.

Sir, it may be true, but I thank God I do not

know it, and do not believe it. I have already stated, with regard to the course of the President, that in my judgment consistency required that, after he had announced his sentiments, that was enough; leaving it to Congress to settle this question as they chose. He would then have discharged his whole duty to the country.

But the Senator from Kentucky will remember that when he made that speech of the 21st of May, holding up in vivid contrast the plan of the President with that of the committee, he accompanied his denunciations with the utmost degree of scorn of manner—not to say contempt; and did he not then tempt the President to the very brink of propriety? If he did not take the leap—if he was not thrown off his guard, it is proof of the noblest forbearance. Presidents, like other men, are made of flesh and blood, and partake of all the infirmities of humanity. It would be strange, therefore, if, after such a speech, the President should not have shown some irritation and resentment. And I ask the Senator from Kentucky, judging from his knowledge of human nature and his own temper, were it his case, how far would such feelings be likely to be treasured up, and find utterance from him, even against the dictates of policy and propriety?

But the honorable Senator from Mississippi [Mr. FOOTE] has made broader statements still. He charges that honorable gentlemen—members of Congress—have been threatened with the loss of their places by members of the Cabinet, if they should dare to vote for the plan of the committee. If that be the case, I trust the honorable Senator will specify and furnish the proofs, that the guilty parties may be dismissed and held up to the contempt and scorn which they deserve.

Mr. FOOTE. I mean that members of the Cabinet have told members of the House that, in particular States, not one Whig would dare to vote for this plan. That is language I look upon as menacing language, and I can particularize, if it be necessary.

Mr. BELL. I do not deny that it may be so; but I appeal to the honorable Senator from Mississippi whether even such language as that is not the language of insanity, fatuity, monomania, or whatever else you choose to term it?

Mr. FOOTE. The simple fact of the dismissal of Messrs. Bullitt and Sargent from the editorship of the Republic, because they were not every day denouncing this plan, must satisfy every man how far Cabinet influence was brought to bear. I have so construed it, and so has the country, and there is no doubt that hereafter it will be looked upon as one of the blackest pages of American history.

Mr. BELL. I have heard that fact already stated by the honorable Senator from Kentucky. And I put it to the candor and sense of justice of the honorable Senator from Kentucky and the honorable Senator from Mississippi, whether, if the President had not changed and did not mean to change his position, and the editors of the *Republic* were understood to speak the general sentiments of the President—not by authority exactly, but standing in such friendly relations to him that what they said would be supposed to have his sanction—whether, if they undertook, of their own accord, to put forth sentiments which were calculated to mislead the country, and to cause their readers to believe that the President had adopted the plan of the Committee of Thirteen: ought they not either to have retired from the press, or to have presented the true opinions of the President; whether, as men of honor, they were not bound to

adopt one course or the other? I do not mean to say that the editors meant to misrepresent the views of the President. I have the pleasure of knowing those gentlemen. I consider them gentlemen of high honor. But I put it to the Senator from Kentucky, if he had been the incumbent of the White House—and no man, at one period, labored more faithfully than I did to place him there—and a newspaper understood to speak his sentiments, over which he had any control, had taken the course of the *Republic*, to say what would have been his course? I should like to hear what he would have to say to the editors of such paper the first time that he put his eyes upon them. I should like to see an exhibition here, in this Senate, of the manner in which he would meet and address them. I do not mean to say that it would be an indecent exhibition. Not at all. But if he had not risen to the height of his powers in expressing his disapproval and resentment, I am much mistaken. And, sir, they would have had to retire, or lose his confidence and support. And I put it to him to say whether he would consider it anything more than a legitimate exercise of his rights and influence to replace them with others who would more truly reflect his sentiments? And was it improper either in the President to desire that they should retire, or dishonorable in them to do so under the circumstances? Had they been less honorable in their principles or feelings, they would not have retired; but they felt the position in which they stood, and at their own option they retired. And what has the country lost by the change or by the example? It has been announced through five hundred channels, and by the trumpet-tongue of the honorable Senator from Kentucky, that they were dismissed because they were in favor of the plan of the Committee of Thirteen. Be it so. The President had a right to have it understood that he had not changed his policy, and there has been no concealment practiced upon the country.

When the Senator from Mississippi [Mr. FOOTE] interrupted me, I was asking the Senator from Kentucky [Mr. CLAY] whether he had not driven the President to the point of resentment and of opposition to the measure before the Senate. The President had been compelled to explain his position and to reassert his policy. The Senator from Kentucky took this as an attack upon his favorite plan, and in his speech of the 21st of May, took occasion to denounce the plan of the President to the Senate and the country in terms of scorn and derision; and in the printed pamphlet in which that speech was circulated, arrayed the two conflicting plans in opposite columns, in such a way, and with such interpretations of the plan of the President, that hardly a man who read it—considering the high source from which the statements in that speech emanated—the distinguished Senator from Kentucky—could have any respect for General Taylor or his policy.

Now, I again ask the Senator from Kentucky what would have been his feelings, and what his course, if he had been placed in the situation of General Taylor? What would he have felt? What course would have been left open for him, or for any man of spirit, when thus assailed, but to vindicate himself from that position of scorn and contempt which the leader, *par excellence*, of the great Whig party for the last twenty-five years had placed him in? There was no alternative left General Taylor, under the circumstances, but to maintain and justify his own opinions and policy,

or to surrender them, adopt the plan of the committee, resign his place, and cease to be President of the United States. There could be but one justification of such a course. If the President became convinced of the superiority of the plan of the committee, or that the good of the country demanded the sacrifice, he should, Curtius-like, have leaped into the gulf.

Mr. President, I have been led into a wider range of discussion upon these points than I had anticipated; but I must not omit to say, that I have not meant to speak of the course of the honorable Senator from Kentucky as the only gentleman who has thought proper to assail the plan of the President in a way that demanded of his friends a particular notice. The distinguished Senator from Michigan [Mr. CASS] the other day appropriated full one half of his speech to a searching analysis of the plan of the President; assailing it in a studied and severe *critique*; attacking it with all the weapons to be found in the armory of rhetoric, ridicule, sarcasm, exaggeration, perversion, and denunciation. I have a high respect for that gentleman. I have often listened with pleasure to his enlarged and philosophic views of government, and especially to many of the liberal sentiments he has expressed in relation to the agitations growing out of the question of slavery. However much I may differ with him on other points, I hope I shall always be ready to do him justice; but I must express my regret that he thought proper to indulge in a strain of remarks upon the plan of the President not calculated to promote the harmony of the discussion, nor to advance the object the friends of an adjustment have in view. I must say that his speech looked rather to the future, as an appeal to the country in the event of the defeat of the measure under consideration. I allude to the course of the Senator from Michigan as some further justification of the course of my own remarks. I am aware of the awkwardness of my position, in having thus to speak of the course of gentlemen who are the especial friends of a measure for which, with all the objections to it, I may give my vote. I shall, at all events, hesitate long before I will reject a measure which shall appear to be the only one which can unite a majority of both Houses of Congress in its favor.

FRIDAY, July 5, 1850.

Mr. BELL resumed and continued his speech as follows:

Mr. President, my remarks the other day were chiefly directed to a point, or rather a series of points, to which my attention was drawn by circumstances I did not anticipate. I deeply regret that any circumstances should have forced me into any remarks not strictly applicable to the subject before the Senate.

I proceed to examine the features of this bill, to which I have not before adverted; and particularly in reference to the points of difference and contrast between it and the plan recommended by the President. I feel this to be the more incumbent on me since the ground taken the other day in relation to the causes which are supposed to influence the decisions of Congress on this great question. The ground is openly and boldly assumed, that, but for the influence which the Executive has exercised, or may exercise on this question, it is known that this measure would pass, and by a considerable majority. Now, sir, I do not know any such thing myself. I am incredulous to the

fact. I had attempted to show, as far as my knowledge extended, that no member of this body, whether I regarded his position, his preconceived opinions, his prejudices, right or left, north or south, would be likely, in a question of such great importance, to yield his individual opinions to Executive dictation. However that may be, I beg leave to say that, so far as I have heard any statements made deserving notice, either in this Hall or out of it, no evidence has been brought to show that the President has used his influence to prevent the passage of this bill, except what was stated the other day, that it was understood that the President, in speaking of this measure, had called it, in derision, an "omnibus bill;" and that perhaps one or two members of the Cabinet had expressed opinions hostile to the measure. It is true that the honorable Senator from Mississippi [Mr. Foote] said that he could bring more substantial proofs than this; but till he does so I shall take it for granted that no further evidence of Executive interference exists. I should not have alluded to this point now, but that I infer, from the tenor of much that has fallen from some of the prominent supporters of this measure within the last week or two, that whatever may be its fate, whether it shall be successful or be defeated, the issue is to be carried to the country. Not only individual members, North and South, but the Administration also, is to be held responsible, particularly should the measure fail. This I infer from the charge distinctly made, that but for Executive influence it would certainly pass.

I shall now proceed to inquire into the merits of this measure as it stands. If I am to take it, as I may, I want to take it at its true value. I wish neither to be deceived myself nor to deceive others. If it succeeds, I desire that it shall be rated according to its real merits; and if it is lost, as it may be, I desire that the country may be able to estimate truly the sort and degree of responsibility to which those should be held, whoever they may be, who have contributed to defeat it. I propose, therefore, to state fairly and truly wherein it accords with my own views, and in what respect it does not.

It is proposed by the thirty-ninth section of the bill to establish a territorial government for New Mexico. The particular provisions of this section of the bill are offered as a concession to the claims and feelings of the South, and as an equivalent for the immediate admission of California as a free State, and this by way of compromise. The extent of the concession to the South, I apprehend, will be found to consist in the mere forbearance to employ odious and obnoxious forms of enactment; an act of grace on the part of those who hold the power over the subject. This is something, I confess; and I would not underrate the generosity of those northern gentlemen who are willing to show this deference to the feelings of the South. The principle of non-intervention is not violated, and that, it is said, is a great deal. It is true, that if this measure shall succeed, it may be said that Congress has not assumed the power to interdict slavery in these Territories; but the value and importance to the South of the observance of the doctrine of non-intervention, and of the forbearance on the part of the North to enact the Wilmot proviso, which are one and the same thing, will be best understood and appreciated, as concessions to southern principles and feelings, when we look to the circumstances under which they are made. What are these circumstances? Not one of our

northern friends, who support this measure, would vote to extend slavery over any portion of these Territories. Even the distinguished Senator from Kentucky [Mr. CLAY] has declared, over and over again, that he will never vote to carry slavery into territory now free. And the gentlemen of the free States justify their forbearance to apply the Wilmot proviso to their constituents on the ground that the local laws are a good enough proviso for them. Those who do not take this ground, assume the position that the laws of nature, displayed in the climate and geographical features of the country, as effectively interdict slavery as the Wilmot proviso could do; and, therefore, that they will not insult the feelings of the South by inserting it. I confess I do not see any substantial concession to the South in all this.

Well, sir, what else is there in the provisions of this section of the bill which favors southern interests? The laws admitted to be in force in New Mexico at the date of the treaty of Guadalupe Hidalgo prohibited slavery. The inhabitants consider these laws to be still in force. It is not proposed to repeal them by this bill; and the territorial legislature is expressly prohibited from laying hands upon the subject, either to establish or interdict slavery. This latter provision, I must remark, by the way, is in the very teeth of the principles held by the distinguished Senator from Michigan, [Mr. CASS.] But I take no exception to his support of the measure as it stands, and I would not allude to the inconsistency, but for the latitude he indulged in the other day in commenting upon the character of the President's policy. How, then, does the question stand as to the prospects or interests of the South in extending slavery to New Mexico? In the opinion of by far the greater number of the most eminent jurists of the United States, the laws of Mexico prohibiting slavery at the cession are still in force, and must remain so until they are expressly repealed, either by Congress or the local Legislature. This is the settled opinion of the distinguished Senator from Kentucky himself. Such is the opinion of the scarcely less distinguished Senator from Michigan, [General CASS;] and such is the opinion of the able and eminent statesman, the Senator from Massachusetts, [Mr. WEBSTER;] three of the leading champions of this bill. I do not forget another Senator from the South, of high rank in his profession, [Mr. BADGER,] who is also a supporter of this bill. Thus, sir, slavery, if it goes into New Mexico at all, must force its way there, in despite of the obstructions of the local laws, and of the interdict imposed by this bill on the territorial legislature. Still it is contended that the South is secured in the full benefit of the doctrine held by some of the most distinguished champions of its rights, who maintain that the Constitution, *proprio vigore*; that the flag of the Union protects the citizen in the enjoyment of his rights of property of every description recognized as such, in any of the States, on every sea and in every Territory of the Union. And this doctrine, it is said, if well founded, and if it shall be so declared by the Supreme Court, will authorize the introduction of slavery into New Mexico. The soundness of the general doctrine held upon this point, I think cannot well be questioned or disproved; and if the question related to a Territory situated as Oregon was, when the United States came into possession of it, property in slaves would be entitled to the protection of the laws and Constitution of the United States; but the question is more

doubtful and formidable to the interests of the South, where it is raised in reference to New Mexico, where there has been an organized society and government for two centuries, and where slavery was prohibited by the local sovereignty before and at the date of the cession to the United States; and where under that prohibition, slavery had ceased to exist. The Constitution, in its application to this Territory, is expected not merely to protect property in slaves, as in the case of Oregon before there was any exercise of sovereignty upon the subject one way or the other, but to supersede the local laws in force prohibiting slavery when the United States came into possession of it. If the obstructions interposed by these laws were removed, then the principles of the Constitution would be left to their full and fair operation, and the South might look, with some confidence, to the protection of slave property in this territory through the courts of the United States. But, sir, this bill proposes no such thing. The distinguished Senator from Kentucky himself would not support a proposition to repeal the local laws, nor would any gentleman from the North. The distinguished Senator from Michigan would not vote thus far, to open the door to the extension of slavery, though he is willing to maintain the *status quo* of this Territory.

Mr. CASS. If the Senator will allow me, I will state that I said Congress had no power over the subject at all, either to introduce or to restrict it.

Mr. BELL. I do not mean to do the honorable Senator any injustice. His principles upon this point are well understood. I only meant to state the fact, that he would not vote to repeal the local laws on the subject of slavery. The bill not only does not provide for the removal of the obstructions of the local law, but it contains a positive prohibition against any legislation by the territorial legislature on the subject; and this is the concession made to the South as an equivalent for the immediate admission of California as a free State, and the conciliatory offering to the feelings and claims of the South, which it is said are necessary to avoid those irregular proceedings in the House of Representatives, which, however much to be regretted, it is feared will occur to prevent the admission of California as a separate measure.

Mr. CLAY. Will the Senator allow me to interrupt him one moment for an explanation?

Mr. BELL. Certainly.

Mr. CLAY. So far from this clause prohibiting the local territorial legislature from passing any law to establish or prohibit slavery being regarded by me as an equivalent, I have been opposed to it. I was opposed to it in the committee; and the Senator well knows that it was pressed upon us by southern votes; and with regard to the clause itself, I was surprised to find it pressed upon the Senate from that quarter. But the Senator is mistaken if he supposes that I attached to that clause any importance as an equivalent to the South. I never did attach any such idea to it. The equivalents to the South are to be found, in the first place, in the forbearance of Congress to exercise any power over the subject of slavery; a forbearance to enforce the Wilmot proviso in the Territories; and the advantages resulting to the South from the settlement of the question of the Texan boundary, giving to the South indisputably nine hundred miles on that river, and leaving the whole subject of the Territories open on the subject of slavery, and to be decided when the States shall

come to act for themselves. These are the equivalents to the South, and not that clause, although it was the vote of southern members of the committee that placed it in the bill.

Mr. BELL. I remember that the Senator from Kentucky was not in favor of that clause of the bill. I did not mean to do him any injustice, nor did I mean to lay so much stress upon the clause prohibiting legislation upon the subject of slavery by the territorial legislature, as he imagines I did. But I did mean to say that the clause establishing a territorial government for New Mexico, as it stands, is the equivalent which gentlemen have relied upon as the concession to the South, which is to prevent any extraordinary mode of opposition in the House to the admission of California, and to restore general harmony. The cession to Texas of the territory between the Nueces and New Mexico, proposed in this bill, I do not think has entered in any degree into the estimate of its value by southern gentlemen; for the general opinion in the South is, that Texas is entitled to all the country east of the Rio Grande, from its mouth to its source; and the proposed cession by Texas to New Mexico of any portion of the territory she claims, is one of the strongest objections to this measure which is felt at the South. It is looked upon as surrendering territory which is now slave territory, which, if the cession is made, will in all probability become free territory. The forbearance of the North to apply the Wilmot proviso—a proposition so justly obnoxious to, and giving rise to so much excitement at the South—is a concession to southern feeling which I would not seek to depreciate; but it can only be regarded, under all the circumstances of the case, as a mere act of grace, extended without the surrender of any of the principles and policy of the North, and by those who maintain that all the objects of the proviso are as well accomplished by the obstructions to the admission of slavery which already exist in New Mexico, and which are left undisturbed by the provisions of this bill. This courtesy, together with the clause of the bill prohibiting any interposition of the territorial legislature with the subject of slavery, and leaving the question to be decided by the judicial tribunals, constitute the only equivalent offered to the South for the admission of California. When I gave way to the explanation of the Senator from Kentucky, I was proceeding to show its true value. It is not the equivalent I would have had, if I had the power to control this subject, or if I could have directed the course of the leading members of this body. Besides the settlement of all the questions connected with Texas, I would have adopted the spirit of the Missouri compromise line, and set apart some portion of these Territories, into which the slaveholder might safely go with his property. This I would have considered a substantial concession to the South—a real compromise. I have already spoken of the struggle it would have cost to carry such a measure, and the storm that would have raged for a while; but I was willing to encounter it, with the prospect of permanent quiet ahead.

Sir, I beg leave to say that in thus pressing the argument that there is no substantial concession to the South in the provisions of this bill, I must not be understood as placing a stumbling-block in my own way, or in that of any other gentleman who may be disposed to support the bill. Not believing that slavery will be likely, under any circumstances, to be established in New Mexico, I feel

but little concern about the provisions of this bill, except so far as they may fall short of the demands and expectations of the citizens of the South generally, and may therefore fail to give quiet in that quarter. My purpose is to show the true value of the equivalent thus proposed as a peace-offering to the South for the admission of California.

Suppose, sir, that the court should decide that the Constitution super-edges the local laws prohibiting slavery upon the transfer of sovereignty to the United States: what security has the South that the majority in Congress will not put their veto upon any laws of the Territory which may be passed to give that vitality to the principles of the Constitution, and security to the property in slaves, which the eloquent Senator from Louisiana [Mr. SOULE] has shown to be necessary? None whatever. But there is a still more important point to which I desire to call the attention of the Senate. Suppose that, contrary to all existing circumstances and presumptions, this bill having passed, slavery should be introduced into New Mexico, and after the lapse of years, when the inhabitants shall be authorized to form a State constitution, and slavery should be recognized by its provisions, what security has the South that, with such a constitution, New Mexico will ever be admitted into the Union as a State? None at all; unless the anti-slavery sentiment at the North shall undergo a decided change.

Mr. BADGER. It is expressly provided that States shall be admitted with or without slavery, as the people of those Territories, when they are in a position to be admitted as States, shall determine.

Mr. BELL. That is true; but my friend from North Carolina should remember that one Congress cannot bind a succeeding Congress upon such a question.

Mr. BADGER. Not if the Congress was composed of high-minded honorable men, understanding that this was a compact or compromise?

Mr. BELL. My friend from North Carolina has forgotten that when that provision of the bill was offered as an amendment, he admitted that it was not obligatory upon future Congresses, but contended that its adoption would have a salutary tendency in calming the excitement of the South. If this provision were placed upon the ground of a compact with Texas, in consideration of a cession of territory by that State, then it would be obligatory and might be relied upon.

Mr. BADGER. I said that this should have no influence in inducing them to oppose it; but that it would have an influence in that sense of honor and integrity on which we rely in most of the transactions of life.

Mr. BELL. I understood my friend precisely in that way before; and I understand him now as not denying that there is no absolute obligatory force in this provision of the bill.

Mr. BADGER. Certainly.

Mr. BELL. As the provision now stands it possesses no positive force or obligation. But as the bill now stands you may be only creating elements of future disturbance; we should be carried out to sea again. In the language of the Senator from Michigan, [Mr. CASS,] you propose to leave a "little fire" unextinguished, which may be blown into a conflagration. If I am not mistaken in supposing that the North will never agree to admit New Mexico as a slave State, any dream that southern gentlemen may have indulged, that

under the provisions of this bill a new slave State might be formed in New Mexico, vanishes at once, and so far as the South is concerned, if there is any difference between the plan recommended by the President and that proposed by the Committee of Thirteen, the advantage is on the side of the plan of the President; for, while it is next to impossible that slavery can find its way into that Territory with the proposed territorial government, were New Mexico admitted into the Union as a State at an early day, or provision made for its admission at some future day, without further legislation, a few enterprising slaveholders, should they become satisfied that slave labor would be profitable in New Mexico, would find but little difficulty, with the present pliant and docile population, in reconciling them to the institution of slavery. Once admitted into the Union as a State, they would be free to model their constitution at discretion. If rich placers or gold mines should be discovered, slavery would inevitably go there; otherwise, assuredly not; and in either event there would be no ground of future discord or disturbance to the Union.

I have thus attempted to show that the South has no security in the provisions of this bill for any of the benefits expected to be derived from it; and that, as an equivalent for the admission of California, the policy of the President is more favorable to the South than the plan of the Committee of Thirteen, and I will state that I know other southern Senators who agree in sentiment with me upon this point, who will nevertheless vote for this bill.

Mr. FOOTE. I have no desire to interrupt the honorable gentleman from Tennessee, but I would like to know whether this proposition is not in part comprehended in his own resolutions?

Mr. BELL. The honorable Senator from Mississippi cannot have done me the honor to listen to the course of my remarks.

Mr. FOOTE. I think I heard the greater part of them.

Mr. BELL. When I introduced those resolutions I was willing to stand by them. I have not said that I will not stand by them still. I have been contending that the provisions of the bill providing for a territorial government in New Mexico propose no substantial concession to the South, or such an equivalent for the admission of California as to give it a preference over all other plans of adjustment. I want neither to be deceived in regard to it, nor to deceive others.

Mr. FOOTE. Will the Senator from Tennessee pardon me once more for interrupting him? I have great confidence in his sagacity, know his devotion to the South, and am satisfied that nothing but a sense of justice to the South actuates him here. But in regard to those resolutions of his, upon which the great plan of adjustment is principally based, I must confess that whilst I recognized him as decidedly a public benefactor in proposing them, for which I have always considered him entitled to peculiar gratitude, yet it seems he has been merely contriving to lead myself and others into a mistake, and has induced us to accord a respect and favor to his own resolutions, which he is himself willing to show was misplaced. I shall feel that he has led us into a position and abandoned us in a manner justifying us in the use of the strongest language of complaint. Sir, I conceive that the Senator from Tennessee is bound to treat with tenderness his own offspring. It is unnatural, as it appears to me, that the Sena-

tor from Tennessee should abandon and denounce, and even murder outright the offspring of his own genius. He has heretofore called upon us to succor and sustain this production of his intellect; and now he denounces us, before the whole country, for succoring and cherishing what he brought into existence, and to which he owes a true parental countenance, and—

Mr. BELL. My friend from Mississippi has enlightened me on this subject. I did not know that I was his leader. Sir, when I drew up my resolutions, the honorable gentleman was one of those I had in my eye as my leaders. I knew his noble nature; that he was above sectional views; that on the other hand his views were broad and national. I knew he was denounced at the North as a firebrand—as a man who would plunge this country into a civil war. But I knew he was a very different man from that. I knew that he and some of his friends at the North were disposed to admit a new State to be carved out of the territory of Texas, as an equivalent for the admission of California as a free State. I took the idea, and was willing to forego my own views, and to adopt those of the honorable Senator and his friends in providing a territorial government for New Mexico; and upon these views I formed my resolutions. But the Committee of Thirteen, together with the honorable gentleman and his friends, deserted me, and cut off the only one of my resolutions which I had particularly at heart. I am not willing to be so entrapped. I am under no obligation of consistency to support this bill, though I may do so. But I must be permitted to examine its provisions freely, and my friend will, I trust, be patient while I submit some more searching and pungent remarks than any I have yet made on the subject.

Mr. FOOTE. I can promise the gentleman I shall listen with patience, as I always do. But I will say, if he has really made up his mind to vote for the bill, as I hope he has, I doubt whether it is the best policy to weaken the support to it in the South. I think we have ground to complain if he does, for I think it will be used against us by our opponents at home, after we shall have voted for the bill.

Mr. BELL. I have considered all that. I have before remarked that I regretted having submitted any propositions of my own upon this subject, as they place me in a false position with those who do not understand that the principal object I had in offering the series of resolutions I did on a former occasion, has been defeated. But my friend from Mississippi need be under no apprehension that anything I shall say in regard to this measure will weaken its effect upon the country, should it pass Congress. In the South, generally, and in his own State, the honorable Senator himself will be fully competent to sustain the measure in full popularity with the people; and I promise to take care that nothing I shall say will prejudice it in my own State, where alone I can expect my voice to be heard.

I next propose to inquire whether the provisions of the bill in relation to New Mexico will give quiet to the country? Whether they will repress the agitations which the acquisition of these Territories has given birth to? I fear they will not. I fear that while the provisions of the bill will not prove satisfactory to a considerable portion of the South, the agitation at the North will continue with increased violence. Sir, from the moment you pass this bill, and as long as a territorial

government, according to its provisions, shall exist in New Mexico, the watchword at the North will be Repeal or the application of the Wilmot proviso. I question, whether the Senator from Mississippi himself expects agitation to cease upon the passage of this bill.

Mr. FOOTE. As the honorable Senator desires my opinion, I will state it briefly. I entertain no doubt at all that nine-tenths of the people of all the States, except one worthy State, will not only be satisfied but profoundly grateful to us for the adoption of this measure. I have no doubt that it will save the country from the most serious present evils, and impending perils more serious than any we have ever heretofore encountered; and I believe it will be sustained by this and all future generations.

Mr. BELL. I wish I could entertain the same sentiments; but I fear that the Senator from Mississippi is mistaken. No, sir; the question at the North will be renewed and agitated with increased bitterness, mingling in all elections, as heretofore. The chance, slender as it may be, and scarcely appreciable, that slavery may be extended into New Mexico, will be sufficient to keep all the elements of agitation in full blast at the North; while at the South the excitement originally produced by this state of sentiment at the North, will find no abatement in its tendency to sectional alienation and animosity. We hear what is said in this Chamber on the subject; we know the course of the northern press; and we cannot shut our eyes to the preparations making for a further and more violent agitation.

Mr. FOOTE. I am surprised that the Senator from Tennessee does not discover that this cry of repeal here is mere empty menace, endeavoring to turn us from the support of this measure. This cry is raised by the Abolitionists and Free-Soilers, who denounce this bill and oppose it. And why? Because they know well, if this measure passes, abolition is dead forever; free-soilism is prostrated, and the demagogues of the hour will cease to keep up their warfare over the country.

Mr. BELL. I know that is a view that some gentlemen take of this subject. The Senator from Mississippi supposes that those who threaten and foretell increased agitation at the North, as they live by agitation, would, instead of opposing this measure so strenuously as they do, desire that it should pass. But does not the Senator know that unless they commenced the agitation here in a zealous opposition to this bill, they would in vain seek to excite the masses at home? They could only be successful in agitating among the people by agitating here; and that they do so is no evidence that they fear the passage of the bill. They probably suppose that it will pass in some shape or other. The Senator from Mississippi says that this measure will give satisfaction to nine-tenths of the people of the South. Judging by the evidences around me, I fear he is sadly mistaken. Sir, I repeat that I cannot be persuaded that the existing agitation, North or South, in relation to these Territories, will cease upon the adoption of this measure. Sir, there is some danger that it will become more serious, and that this compromise, as it is called, may not only fail to heal this one of the bleeding wounds so eloquently depicted by the Senator from Kentucky, but that it will not even stanch it.

Sir, in regard to this measure, taken as a whole, my fears are, that, though it may heal the surface, these wounds, which are now described as open

and bleeding, will continue to fester within until the vital parts of the system are seriously affected.

But, in reference to New Mexico, while, in my judgment, fears may be justly entertained that the remedy proposed by this bill will prove abortive, the plan of the President would heal this one of the bleeding wounds of the country. Admit New Mexico as a State, or provide for its admission at some future day, and after Texas shall have acceded to a settlement of her boundary, though there may be some increased excitement at the South for a time, it will soon pass away, and all will be permanently quiet. If slave labor shall be found to be profitable, slavery would soon find its way there, and the North would no longer have the power to forbid it.

Mr. DOWNS. I should like to know how slavery could be carried into New Mexico with every person voting to prohibit carrying slaves there?

Mr. BELL. I have given my views briefly upon this point in my preceding remarks. The true interest of the South, I concluded more than a year ago, was to admit these Territories into the Union as States. The same reasons for this policy apply to both New Mexico and California. If the last Congress had either admitted California as a State or authorized her inhabitants to form a State constitution at a subsequent day, and to be admitted upon proclamation of the President, the question of slavery would have been decided by the people, uninfluenced by any apprehension of the power and sentiment of the North. The question would have been beyond the control of Congress. There is no settled repugnance to slavery among the inhabitants of California. The emigrants to California go there with no fixed sentiment upon this subject. It is interest—pecuniary interest—that impels the tide of emigration to that Territory; and the moment it should be found that slavery could be profitably employed in the rich and inexhaustible gold mines, the constitution would take the form these interests demanded. It is interest alone that carries slavery anywhere. If California were to-day admitted as a State, the prospect of introducing slaves would be far more favorable than it could be under a territorial government in the form proposed by this bill. Nor is there any such settled sentiment opposed to slavery among the inhabitants of New Mexico that might not and would not be overcome, if, by the discovery of rich mines of gold in her territories, slave labor should be wanted there.

Mr. President, in pursuing the contrast between the plan of the Committee of Thirteen and that of the President, the next point of difference between them which has been pointed out and proclaimed to the country by the distinguished Senators from Kentucky and Michigan, and by them dwelt upon with great emphasis and confidence as evidence of the vast superiority of the plan of the committee, is, that the plan of the President proposes to leave the people of New Mexico at the mercy of a military government, a "lieutenant colonel," and without the protection of a regularly-organized civil government. Now, without undertaking to repeat all the terms and forms of reproach and denunciation, of ridicule and scorn, with which the plan of the President has been met and objected to by these gentlemen, I undertake to say that the grossest injustice has been done to the President upon this point; and that there has been the grossest perversion of fact, however unintentional, in relation both to the character of the Government

in operation in New Mexico, and to the policy of the President. I have before adverted to the manner in which the Senator from Kentucky treated this part of the subject. The Senator from Michigan has signalized his preference for the plan of the committee and his opposition to the views of the President in a manner not less unjust and extraordinary. They both concur in denouncing the policy of the President as a "non-action policy." The Senator from Michigan says, "What a glorious and brilliant triumph it would be for an Administration to triumph in doing nothing!" What genius, what capacity, what statesmanship would be thus illustrated in the policy of "doing nothing!"

Mr. DAVIS, of Massachusetts. "Masterly inactivity."

Mr. BELL. Yes, the policy of "masterly inactivity;" the policy of continuing for an indefinite period an arbitrary and odious military domination over these people. If these honorable gentlemen could divest themselves of the bias which their preference for a favorite policy of their own exposes them to, and would subject the plan of the President to the test of reason, of true and fair consideration, they could not proclaim these sentiments to the country consistently with their own high characters.

Now, what is the truth in regard to the President's plan? The only fair objection which can be taken to the policy of the President is that it proposes excessive action. Instead of being a plan of "non-action," it is rather a plan of over-action. That is an objection that might be urged with some justice and plausibility. Honorable Senators say that the President proposes to leave these people without the protection of civil government and to the tender mercies of military authority. If their impetuous feelings would allow them to reflect, they would see that, the President proposes the protection of a more rigorous civil government than the one recommended by the committee. And this is no afterthought of mine; the President, in his message on this subject, expressly states that "New Mexico may be expected soon to apply for admission into the Union as a State;" and it is fairly within the scope and intention of his policy that Congress should forthwith authorize the inhabitants to form a State constitution, and be admitted into the Union as a State whenever Texas shall have agreed to a settlement of her boundary. It is not true, therefore, that the President's policy is one of "non-action;" nor is it true that it proposes to leave the inhabitants of New Mexico at the mercy of an arbitrary military government. The policy of the President is to dispense with military government by the admission of New Mexico as a State; which can be as readily accomplished as by a territorial government. The true merits of the President's policy, the true genius, sagacity, and statesmanship displayed in it, consists not in "non-action," but in closing up effectually and forever this one of the bleeding wounds of the country; in violating no principle of the Constitution, giving these people the privilege of determining the question of slavery for themselves, and in giving permanent peace and harmony to the country.

This military government in New Mexico has received a very bad name. We have had so many perversions of its true nature and character that I doubt very much whether the people of New Mexico would recognize the government spoken of here as the same that actually exists there.

What is the government which actually exists there at this moment? It is a *civil* government, the same established by General Kearny, during the war, and continued under the sanction of the present Administration. The civil and municipal offices are the same; filled, as I understand, by the same incumbents; and conforming as far as possible to the municipal laws of the Territory before the treaty of cession. They have their prefects of counties, their alcaides or justices of the peace in the several districts, and their courts and judges in the last resort. Since I listened to the unmeasured denunciation by honorable Senators of the military sway in New Mexico, I have made particular inquiry into the nature and extent of the authority exercised by the Military in that Territory; and I can hear of no instance in which the Military has interfered with the regular administration of the laws by the proper civil officers. Although the intelligent Delegate from that Territory in this city has remonstrated against the continuation of the military authority, yet, after full inquiry, I could hear of no instance of the arbitrary interference of the Military in the civil and judicial administration, except that, when offences are committed by the inhabitants against soldiers, there have been instances in which the offenders have been apprehended by the Military and taken before the proper judicial tribunals for trial and punishment. This, sir, is the extent of that arbitrary sway of a "lieutenant colonel" of which we have heard so much.

Mr. HOUSTON. If the Senator will permit me I will point out an instance. This military government has exercised oppression in interfering with the officers of Texas.

Mr. BELL. The honorable Senator from Texas will excuse me at present for not noticing the suggestion which he has made. I cannot, after his speech the other morning, if I have time and strength, fail to pay my respects to him before I sit down. I think, sir, I have sufficiently demonstrated the gross injustice which has been done to the President upon this point.

But conscience, and the best feelings of the American heart and the American character, have been appealed to, to carry out the provisions of our treaty with Mexico, which require that these people should have the full protection of the laws and Constitution of the United States, and of a regular civil government. It is "high time," says the distinguished Senator from Kentucky, that the national faith should be maintained in extending to these people the protection of civil government; and that they should be rescued from the oppression of a "military government;" and the conscience of the whole country is sought to be aroused and awakened to the enormity of the policy which would leave our treaty obligations unfulfilled. Well, sir, the President proposes to comply with these obligations to the letter. He proposes to dispense with all military authority in New Mexico, and to give the people the protection of a State Government as soon as practicable. Ought not this to satisfy the most tender conscience on this point?

I have now, sir, I think, successfully shown that there has been and is no oppression practiced by the military government of New Mexico; and, whether such oppression exists or not, that the President proposes to remove all ground of complaint on that head, and at the same time to comply with the treaty obligations in the most effective form.

Mr. CLAY. If the Senator will allow me, I will read a passage from the address of the Delegate from that Territory to the people of the Territory. In that statement he says:

"It is useless for me to remind you that you have no other than a military government to administer the civil laws with which you came into the Union, (and under which you and your ancestors have lived for two centuries.) What other executive have you but the commander of the troops in New Mexico? Does he not absolutely control all the civil establishments of your country? Is there a civil officer but holds his office by commission from the military officer during his will and pleasure? Has he not, indeed, assumed to order the courts whom to bring to trial, and in every way prescribe their jurisdiction?" &c.

There is another document from which it appears that the people of the Territory have declared against this military government, and denounced it as a most odious and despotic institution.

Mr. BELL. I was aware of the existence of those documents, and am only surprised that the sagacious Senator does not perceive that there may be strong political motives or interests for much exaggeration, over-coloring, and rhetorical flourish and description, in the authors of those documents. I felt desirous of coming at the truth in regard to those charges when I read them. And I asked the Delegate from New Mexico [Mr. SMITH] to point out to me, if he could, any instance of military oppression in New Mexico in the three years of our occupation of that country; and he could recollect none, except, as I have before stated, that when an offence is committed against any of the United States troops, the offender is seized, sometimes by the military, and taken before the proper civil officers for trial and punishment; and complaints are made of instances in which the punishment is said to have been inflicted without such trial, but none could be specified.

I come now, sir, to consider another question connected with the policy recommended by the President, which, I admit, presents a fair ground for diversity of opinion. Is there a sufficient population in New Mexico to justify her admission as a State? and are they sufficiently intelligent and trained in the practice of self-government, to justify clothing them with the rights of State sovereignty? I know that the Senator from Texas [Mr. Rusk] has said that it would be preposterous to admit these people as a State into the Union. The honorable and distinguished Senator from Michigan says, that "no human sagacity can foretell the time when these people will be ready to come into the Union." The honorable and distinguished Senator from Kentucky has said, that he cannot think of it, and he has used stronger expressions even than these.

Now, what is the number of inhabitants in New Mexico? I have in my hand an authentic document, taken from the archives of Santa Fé, by Lieutenant Abert, an intelligent and scientific gentleman, whose report was printed by order of Congress. From this document we learn, that on the 17th of June, 1844, the population of New Mexico was, as taken from official statistics, one hundred thousand sixty-four, (100,064.) The intelligent Delegate from New Mexico states that, from his own observation, and all the information in his possession, he estimates the population at ninety thousand. And these are not composed of Camanches, Navajos, and other wild tribes, as some gentlemen seem to suppose. This population of ninety thousand are made citizens of the United States by the treaty of Guadalupe Hidalgo. The Pueblo Indians, who compose a part of the population, are civilized. The Senator from Texas

admitted that they were among the best population of the Territory. A census was taken of these Pueblo Indians at a recent period, which will be found in the correspondence of Mr. Calhoun, the Indian agent at Santa Fe, whose high standing and intelligence are vouched for by the Senator from Texas, [Mr. Rusk.] From this, it appears that instead of constituting one half of the population of the country, as stated by that honorable Senator on a former day, they only amount to six thousand, of five years of age and upwards; and, taking the usual ratio of children under that age, we may infer that the whole number of these Indians does not exceed nine thousand at the most. These Indians live in separate villages, and are a docile and peaceable people. What other classes of population exist there? There are some three or four thousand of the pure Spanish or Castilian blood, of different ages and sexes. In addition to these, there is a mixed race of the Spanish and Indian stock, which has multiplied in the last two centuries, until it has attained its present number. This is the class which is generally, and properly, denominated Mexicans. They constitute the mass of the population, and do not recognize any connection with the Indians, though undoubtedly tinged with their complexion. With a few exceptions, the entire population, Mexicans and Indians, live by agriculture almost exclusively; many of them are wealthy, their property consisting chiefly of flocks and herds. It may be said of the inhabitants of this Territory generally, that they are a docile and tractable people, addicted to the arts of peace, from the necessity of their condition, being daily exposed to the plundering incursions of their savage neighbors. The more wealthy are well educated; some of these having received their education in the colleges and schools of this country, others in those of Mexico. Besides these classes, Mr. Smith, to whom I have before referred, states that there are twelve or fifteen hundred voters, emigrants from the United States, and we know enough of these adventurers to new Territories to be satisfied that their superior intelligence and energy will exercise a controlling influence over the more passive and tractable Mexicans and Indians. We must also bear in mind, in estimating the character and training of these people, that since the revolt and independence of Mexico, they have been in the practice of self-government. They have had their territorial legislature, to which, with some interruption, they have been in the habit of electing Delegates annually. They have, at the same time, chosen at regular periods a Delegate to the Central Congress in Mexico; and, upon the whole, they are just as well qualified for self-government as most of the States of the Mexican Republic. The policy of Mexico, in excluding New Mexico from the rank of a State, it is well known, was founded in the apprehension of revolution and separation, to which their remote situation was supposed to tempt them. We have, in truth, had a lower estimate of these people than they deserved; and a principal reason for this was, that we derived our impressions of their character and condition chiefly from the population of Santa Fe, now well known to be one of the poorest villages in the whole country, and whose population is the most idle, vicious, and corrupt of all others.

But, sir, the question is not whether these people are as intelligent and well qualified as we could wish them to be, or as they may become by the infusion of a greater number of emigrants from the old States, before we admit them into the Union,

but whether they are sufficiently qualified to justify their admission, if it be expedient for the well-being and harmony of the Republic—if it should be found necessary to close up the bleeding wounds of the country. That is the question. Honorable Senators have taken strong grounds upon this subject. The honorable Senator from Kentucky [Mr. Clay] has said that under no circumstances, and for no considerations, would he vote to bring such people as these into the Union as a State.

Mr. CLAY. I say so still.

Mr. BELL. I do not expect the honorable Senator to recede from any sentiment he has expressed. But our *conscience* admonishes us that these people are, by our treaty stipulations, entitled to be admitted into the Union in some reasonable time. If the population were only sixty or seventy thousand, instead of ninety thousand, it would be quite large enough; for the Constitution prescribes no particular number, and if the inhabitants of this Territory, after more than two centuries' training in the arts of civil society and government, are not qualified for the exercise of State sovereignty, when will they be qualified? They have for twenty years past exercised the rights and privileges of self-government, and the measure now before the Senate proposes to extend to them the same rights. It does then appear to me to be a strange and extraordinary position for Senators to take, when they declare that they will, under no circumstances, vote to admit New Mexico into the Union as a State. What! not admit New Mexico as a State, to heal the bleeding wounds of the country? Not to restore the harmony of the country? Not even to save the Union? I can neither comprehend the reason nor the patriotism of such a declaration. I cannot appreciate the exquiteness of the sentiment of tenderness to the interests of this people, that, for the sake of some further politico-educational training, or to save them the expense of a State government, or to preserve them from the injuries of an unwise State Legislature, would leave this great country exposed to all the evils of continued agitation and discord.

But it is said that the President's plan is exceptionable because it contemplates the admission of New Mexico as a State without settling the boundaries of Texas; and should a State be so admitted, and the Supreme Court should decide in favor of the claims of Texas to all the territory east of the Rio Grande, that the anomaly would be presented of a State without territory or inhabitants, or so small a portion of either as to deprive it of all pretensions to such a rank. But is that a just view of the policy recommended by the President? The President distinctly recommended to Congress to provide some plan for the settlement of the Texas boundary. Were it proposed to-day to authorize New Mexico to form a State constitution, with a view to her admission into the Union as a State, Congress would have the power to make the same proposition to Texas for the adjustment of her boundary which is made in the bill under debate, or any other which might be deemed expedient, and the embarrassment would be no greater in the one case than in the other. I have now done with this part of the subject.

The policy of the President is to leave the inhabitants of New Mexico at liberty to settle the question of slavery for themselves, without any intervention on the part of Congress, and to put an end to all agitation on the subject, present and

future. He advised that they be authorized to form a State constitution and be admitted into the Union as a State. The plan of the Committee of Thirteen, having the same general and patriotic object in view, proposes to establish a territorial government for New Mexico, without any intervention on the question of slavery. I have endeavored to demonstrate, and I think I have done so successfully, that the plan of the committee will not put an end to the agitation connected with this Territory, but that the plan of the President will. And I think that I have further shown that, so far as respects the interests of the South, the policy of the President is more favorable to them than the provisions of the measures under debate. The only other real difference between the two plans is, that the one proposes the admission of New Mexico into the Union as a State at some early day, while the other contemplates the postponement of that event until some future and more remote period. I would myself prefer, on some grounds, that New Mexico should not be admitted into the Union as a State at any very early period, yet, there are considerations and public interests connected with this subject which far outweigh any fair objections that can be made to the opposite policy, and fully justify the early admission of New Mexico as a State.

I omit any notice of the Mormon settlement; they are a people who fled from the protection of the laws of the States in which they have heretofore resided; and they are prospering, it is understood, under their present voluntary association and government. They are in the enjoyment of such portion of the public domain as they have thought proper to appropriate to themselves. Give them the protection of our arms against the Indians, and it matters but little whether any government be provided for them now, or for ten years to come. Certainly, there is no obligation to provide a separate government for these people at the hazard of any great inconvenience or embarrassment to the whole country.

Mr. President, there may be said to be three different plans for the adjustment of this unfortunate and distracting question: the plan of the Committee of Thirteen; the plan of the President; and the proposition of those gentlemen of the South who say that they would be satisfied with the Missouri compromise line, if adopted in its true spirit. The honorable Senator from Mississippi [Mr. FOOTE] stated, in a speech a few days since, that the measure now before the Senate was the only plan of adjustment, in regard to these Territories, which could pass. The distinguished Senator from Kentucky [Mr. CLAY] has, upon more than one occasion, expressed a similar sentiment, and it has been widely disseminated through the country. The Senator from Mississippi rested his statement that no other measure but the one before us could receive the sanction of Congress, on the ground that the distinguished Senators from Kentucky, [Mr. CLAY,] Michigan, [Mr. CASS,] and Massachusetts, [Mr. WEBSTER,] have declared their unalterable determination not to vote for the admission of New Mexico as a State into the Union.

Mr. FOOTE. I state, with perfect conscientiousness, and with a complete conviction of what I say, that if New Mexico is admitted as a State, the Union cannot continue to exist. Instead of settling the question and healing the wound, it would make the wound incurable. I speak in reference to the well-known sentiment of the South.

Mr. BELL. I have already shown that the true interests of the South would be promoted by the admission of New Mexico as a State. But, at the same time, the announcement was made that no measure but the one under debate could pass; and after triumphantly defending himself from the calumnies which he considered had been heaped upon him at home, the honorable Senator from Mississippi [Mr. FOOTE] proceeded to assail the Administration in a manner which astonished me, under the circumstances; for I supposed that, from the duty he had just discharged to himself, he would have had more charity for others. I will not trust to recollection for his words; I have them here printed:

"We are informed that the people of New Mexico are engaged in an attempt to establish a State government; yes, sir, that such a government, in name at least, has already been set on foot. Under what authority all this has been done, we do not at present know; but I hope that the resolution which I had the honor to offer on yesterday, and which has this morning been adopted, will shortly secure us full information upon the subject. This much, though, I will undertake to say at present: that, whoever be the man that has either planned, instigated, or sanctioned this vile scheme, is not a patriot, but an insidious traitor to the public weal, an enemy to his country, whose perfidy and ineffable profligacy I hope may ere long be branded with indelible infamy. Sir, this attempt to establish and organize a State government in New Mexico at this time was obviously intended to aid in defeating our plan of adjustment, and retain the country in its present excited condition."

Now, sir, I have never understood that the President has given any other orders to the officers commanding the forces in New Mexico, or to any other agent of the Government, than those which have been submitted to Congress, in relation either to the formation of a State constitution, or as to the course which he was resolved to pursue, should Texas seek by force to possess herself of the territory claimed on the upper Rio Grande. We may infer, from his last communication to Congress upon this subject, that he will consider it his duty to maintain the possession of New Mexico until the question of the boundary shall be adjusted.

Mr. FOOTE. Will the Senator allow me a moment of explanation?

Mr. BELL. With great pleasure, sir.

Mr. FOOTE. If the Senator had examined my phraseology a little more closely, he would have found that I cautiously avoided charging the President or his Cabinet with any interference in this affair. I spoke of the conduct of the lieutenant colonel, acting with or without orders, as the case might turn out to be. Now, any defence which the Senator may set up, in behalf of the Administration, against anything I have said, will be an implied acknowledgment on his part that the President and his Cabinet are at the bottom of this proceeding; which I have not charged, and which it would give me most profound mortification to ascertain. That some person, either here or elsewhere, has instigated the people of New Mexico in this movement, I have no doubt. Why, only a few months ago they declared their desire to have a territorial government, and voted down the proposition to establish a State government, and that some one or other has tampered with them is therefore as manifest as that the sun shines in heaven. Now, I say from my heart that it would grieve me most earnestly, and mortify me most profoundly, to suppose that the President or his Cabinet, or any one of them, dared to instigate this movement, leading, as I conceive it most likely to lead, to bloodshed and sectional strife, and perchance to disunion. I did not charge that they had

I stated the facts as I now state them; and I do trust that the President and his Cabinet will have the power at some future period to free themselves from all suspicion in regard to it.

Mr. BELL. I think I have not misunderstood the Senator. So far as regards my defence of this Administration, and my adhesion to it, I wish to disguise nothing from myself as to what its course of policy has been, nor from the country. I have not inquired whether the Government has given any new orders to the military authorities in New Mexico or not; but I feel, when a Senator is denouncing the policy of the whole proceedings in New Mexico, in relation to the call of a convention, and the formation of a State constitution, I consider the Administration responsible for them, not proximately but remotely; and those proceedings cannot be distinguished from the policy carried into effect in California, and which months ago was recommended plainly and boldly to the American Congress by the President. I have not seen him, or spoken to him, but I dare to say that he would scorn all evasion or disguise on the subject. The officer in command in New Mexico would undoubtedly consider himself authorized, by the known policy of the President, to do precisely what he appears to have done, in becoming the organ or mouth-piece of the sentiments of the people themselves, in relation to the call of a convention.

Mr. FOOTE. Will the Senator allow me a word of explanation, for I desire not to be misunderstood on this subject?

Mr. BELL. Certainly.

Mr. FOOTE. I never prefer charges except on testimony which I am ready to adduce, nor make allegations against public or private character which are not sustainable by proof. In this instance we are almost entirely devoid of evidence, so far as the President and Cabinet are concerned, and are instituting inquiries on the subject. It would then be most illiberal and unfair in me to presume that they were connected with the proceedings in New Mexico, before they have had an opportunity of answering those inquiries. I said distinctly in the speech, a portion of which has just been read by the Senator, that a Senator on this floor now in my eye, urged weeks ago, in this Hall, the duty of this Government to maintain, by military force, possession of New Mexico, in opposition to the claim of Texas. I declared at the time that language had been used here by certain prominent men of peculiar political affiliations, well calculated to encourage such movements in New Mexico as might result in consequences greatly to be deprecated. That language I wished to apply in certain quarters especially, and to all others connected therewith.

Mr. BELL. I am glad to hear the explanation of the honorable Senator, and think I have not misunderstood him. I make no distinction in this matter of responsibility between the Cabinet or other advisers and General Taylor himself. If he allows himself to be controlled by improper counsellors, or retains a Cabinet unworthy of trust, he has no claim to my confidence or support. Whoever may have exercised the controlling authority over the late movements in New Mexico is not a material question, for I hold the President directly responsible, so far as I am advised of what has actually transpired in that Territory; and, if I know anything of his true character, he is the last man in the country that would seek to shelter himself behind a lieutenant-colonel. Colonel Munroe has no doubt presumed that he was acting in

accordance with the Executive wishes and policy; and at last, after all this storm of indignation against him, he has only conformed to the will of the people, in issuing a proclamation prescribing the time and other formula for a convention to form a State constitution. And, sir, when the constitution thus formed is presented to Congress, we are under no obligations to admit New Mexico into the Union as a State. We can either establish a territorial government in New Mexico, or we can require that the inhabitants shall wait the settlement of the Texas boundary, and then form a constitution and become a State, or prescribe whatever other mode of government and control we think proper, just as though no such proceedings had ever taken place which we have heard denounced in such unmitigated terms of censure and crimination.

Now, sir, allow me to call the attention of all high-minded and honorable gentlemen, of all parties, to the position in which General Taylor finds himself placed, at the present juncture, by the variety and complexity of interests, passions, and prejudices which are operating against him, in the two Halls of Congress and throughout the country. No man has ever been in power since the foundation of the Government who has been surrounded by difficulties so peculiar and embarrassing, when greater interests were at stake, or when greater skill and judgment were demanded in the direction of affairs. And yet, sir, see how he is thrust at, right and left, by presumed friends and open enemies. Hawked at, pursued, denounced, reviled through the five hundred presses of the Opposition, and in the speeches of the most distinguished and powerful leaders in the Senate, at a time of the most imminent peril to the peace of the country, as if all the elements of human passion and malice had united to overwhelm and destroy him.

We have heard the Senator from Mississippi, [Mr. FOOTE,] in allusion to the determination of the Executive, indicated in a recent communication to Congress, to maintain possession of the Territory of New Mexico until the question of boundary shall be settled, in view of the conflict of arms to which it may possibly lead, denounce it as an invasion of the sovereign rights of Texas, and as a murderous policy. He denounced, in the strongest language of invective his imagination could supply, any man at the head of an Executive department of this Government who would dare to interfere with Texas in the exercise of her sovereignty as a State; and no man, he declared, could deny the undoubted right of Texas to all the country east of the Rio Grande. Another distinguished Senator, [Mr. HOUSTON,] the hero of San Jacinto, in alluding to the intimation of the President of his intention to prevent any dismemberment of New Mexico until the question of boundary should be decided, could assign no better motive to General Taylor for the adoption of this course of policy than that of personal hatred and prejudice against the people of Texas, contracted in his campaign on the Rio Grande.

Mr. FOOTE. I said distinctly that I did not intend to charge the President and the Cabinet with any criminality, but I would say that the policy announced by the Senator from New York was a murderous policy. I said it too in language of such pointedness and plainness, that, as the Chair will recollect, I was called to order. I was not referring to the Administration at all, but to this military governor, who had certainly adopted

a policy likely to lead to a collision of arms, and I expressed the hope which I entertained that it was not done at the direction of the President and the Cabinet.

Mr. BELL. I do not believe the Senator from Mississippi would willfully misrepresent the President, though his ardent temperament often leads him beyond what, on reflection, he would consider strictly just, and to express his opinions sometimes in stronger language than his own friends can approve; and I will do him the justice to say that in all the discussions upon this subject, except in his recent speech, he has borne himself courteously and generously towards the Administration. I will now restate what where the sentiments announced by the Senator from Mississippi in one of his late speeches. He announced upon the authority of the ground unalterably taken by the distinguished Senators from Kentucky, [Mr. CLAY,] Michigan, [Mr. CASS,] and Massachusetts, [Mr. WEBSTER,] that this is the only measure that can pass at the present session of Congress; thus leaving it to be inferred that if this measure should fail, no other plan of adjustment will be adopted, and the country will be left to all the consequences that may follow. The honorable Senator at the same time denounced the policy indicated by the President—of preserving the present condition of things in New Mexico, and not suffering its inhabitants to be dismembered as a society, until Congress or the courts decide the boundary question—as a murderous policy, leading to bloodshed and civil war. And the honorable Senator in his late speech denounced as a traitor to his country whoever advised the late proceedings in New Mexico. For this policy, and all the evils that may grow out of it, I have already stated the President is responsible; and while an indication of his intention to maintain the possession of New Mexico until the boundary of Texas is adjusted, is thus denounced in one quarter, his right to pursue this identical policy is denounced in terms of scarcely less asperity in another high and distinguished quarter. Now, sir, to what do these denunciations, founded on opposite views of the same policy, lead? Where do you place the President in his guidance of the vessel of State? Struggling between Scylla and Charybdis, with Hell Gate just in front, or rear, as you may choose to place it. All the metaphors, similes, and other figures of speech drawn from the perils of ocean navigators, would be inadequate to portray the obstructions thrown in the way of the President, in his arduous navigation of the ship of State at the present moment.

I must now refer to a sentiment contained in a speech of the distinguished Senator from Kentucky, [Mr. CLAY,] to which I have before alluded—not in any unkind spirit towards him, but to show the unqualified injustice done to the President upon one point in this discussion. The honorable Senator from Mississippi [Mr. FOOTE] denounces the policy of preserving the Territory of New Mexico from dismemberment until the boundary of Texas shall be adjusted, as a violation of State sovereignty, and murderous in its character and tendencies. That honorable Senator has also declared that whoever advised the late proceedings in New Mexico, to be a traitor to his country. Now, let us see what the distinguished Senator from Kentucky says on this subject. I quote from his printed speech of the 21st of May:

“But what sort of a government does this lieutenant colonel placed over them administer to his subjects? Why, I

suppose, one of the greatest and first duties of government is to give protection to the people, to give defence to the Territory which he governs, and to repel invasion from the limits of the country. And how does this military commander, acting, as it is said, under the authority of the Secretary of War, behave upon the first approach of an invasion? While commissioners are sent there as pioneers in the work of bringing all that part of New Mexico on this side of the Rio del Norte under the authority of Texas as the territory of Texas, what does this military governor do, or propose to do, to protect those people and repel invasion, and to protect the domain? He says he means to be *neutral*, and has instructions from headquarters to be neutral in this contest between the people of Santa Fé or New Mexico and Texas! The governor of this people, who are opposed to the jurisdiction of Texas, says he means to take no part with those whom he governs, but to leave them to fight it out as well as they can with the power of Texas. What American can say that, under the circumstances, this course is justifiable—and what will become of the sacred obligations of the treaty of Hidalgo? Of all the honorable distinctions which characterize man in his social and aggregate, or his individual character, that of good faith, of the honorable fulfillment of obligations, and the observance of contracts in private life, and of treaties in public life, is one which commands itself most to the approbation of enlightened mankind. Here we have a provision in this treaty, staring us in the face, requiring us to extend the protection of government to the people of Utah and New Mexico. We are told we may safely—it is not said, I admit, in terms, but it is in effect—we may withdraw from the fulfillment of our obligations, and leave this people to themselves, to work out their own happiness and salvation in such way as they can.”

Sir, I remember the imposing manner of the Senator, when he announced these sentiments, and how deep the impression he left upon the Senate of their justice. The Senator will perceive that I propose to do him no injustice. No, sir; I ask with him, what American would not say that this people should be protected from the dismemberment of their society and territory, at least until the question of their boundary shall be settled? They are a homogeneous population, and have grown up with their present associations and usages in a period of more than two centuries. Unfortunately, past collisions have rendered Texas hateful to them; and well may the Senator from Kentucky denounce the idea of leaving them without protection against the superior power of Texas. It is a just, as well as a generous sentiment.

What is the true state of this question? Texas has a disputed claim to a part of the Territory of New Mexico, of which she has never had the possession. Major Neighbours, as the agent of Texas, succeeded in inducing the inhabitants of the county adjoining El Paso to submit quietly to the jurisdiction of Texas. He is said to be a gentleman of considerable address, of winning manner, but of unyielding firmness and obstinacy of purpose. When he came to Santa Fé, he found that he could not so easily manage the people there. A public meeting was called to deliberate upon measures of resistance, when an attempt was made to interrupt the proceedings of the meeting; and when it appeared that violence and bloodshed were likely to follow, the lieutenant colonel commanding the troops of the United States interposed his authority and suppressed the disturbance. Major Neighbours, finding that he could not prevail upon the citizens of Santa Fé to acknowledge the jurisdiction of Texas without force, returned home. And yet, sir, this interference of the military to keep the peace is denounced as an act of military usurpation and unwarrantable violation of the sovereign rights of Texas. Sir, it was the people of Santa Fé that resisted Major Neighbours. It is they who seek to protect themselves from being swallowed up by Texas; and finding themselves thus threatened, and that they may be able to act with vigor and effect in opposition to her pretensions, they have been driven to form a

State constitution, and to appeal to the sympathies and justice of Congress for admission into the Union. The Senator from Texas [Mr. Rusk] should remember that it was this proceeding of Major Neighbours, acting as the agent of Texas, that has driven the people of New Mexico to the resolution of forming a State constitution, as the only resort left them in defending themselves with any prospect of success against the power of Texas.

Mr. RUSK. I desire to inquire of the Senator if he knows that there is a message of the President in which he says that he apprehends that Texas will not practically attempt to put into operation her claim?

Mr. BELL. I am aware of the message to which the Senator refers, but it is not words but substance and intentions on which I prefer to dwell. I understand that the President intends to maintain the *status quo* in New Mexico. I have not consulted him on the subject, but I infer from his statement in a recent communication to the Senate that such are his intentions.

[Here Mr. BELL was interrupted by some remarks of Mr. Rusk and Mr. Underwood.]

Mr. BELL resumed. When interrupted I was inquiring how far the President of the United States had interfered or proposed to interfere in preserving the *status quo* in New Mexico. General Taylor, when he came into office, as I understand, gave orders to the officers in command in New Mexico to observe the instructions which had been given by President Polk. These were to throw no obstructions in the way of Texas in extending her jurisdiction over the country east of the Rio Grande. But the fair construction of these orders is, that Texas, in the mean time, should proceed peaceably, and with the assent of the inhabitants, not by violence and at the expense of the peace of the country. I cannot suppose that it was the intention of the late Administration to stand by and see the people of New Mexico subjected to the authority of Texas by force of arms, without interposing the authority of the United States to preserve the peace. And when the mission of Major Neighbours threatened violence and bloodshed at Santa Fe, and the Military interposed to prevent these disastrous consequences, this is denounced as a military usurpation; when the people of New Mexico, in order to put themselves in position to resist with greater vigor and effect the designs of Texas, call upon the officer in command in New Mexico to issue a proclamation for a convention to form a constitution, whoever may have advised this proceeding is denounced as a traitor to his country; and when Texas threatens to send an armed force to New Mexico to vindicate her claims to the territory east of the Rio Grande, and General Taylor signifies his intention to protect the inhabitants against any compulsory surrender to the jurisdiction of Texas, and to maintain the existing state of things in that Territory, this is denounced as a murderous policy, and an invasion of the rights of a sovereign State. The Senator from Mississippi [Mr. Foote] goes yet further, and asserts that the late proceedings in New Mexico are designed to defeat the compromise bill; and at the same time announces that the Executive, or whoever advised the late proceedings in New Mexico, will be responsible to the country, to the present generation, and posterity, for all the consequences that may ensue from the existing state of affairs in New Mexico, as well as for the discord which now reigns throughout the land.

Let us glance at the embarrassments which attend the subject. There may be said to be three different measures or plans proposed for the settlement of these questions. There is the plan recommended by the President; the proposition, though not offered in form, yet announced in debate by southern gentlemen, to adopt the spirit of the Missouri compromise; and the plan of the Committee of Thirteen. A large proportion of the southern Senators say that they will be satisfied with nothing that does not secure to the South the right to emigrate with their property to some fair and equal portion of the territory. An equally respectable number of northern gentlemen say they can never agree to any plan of adjustment by which slavery can be extended into any portion of these Territories. At the same time, it is said that the three most distinguished gentlemen who support the plan of the committee, the Senator from Kentucky, [Mr. CLAY,] from Massachusetts, [Mr. WEBSTER,] and from Michigan, [Mr. CASS,] have assumed a position from which they cannot be moved; and that they will never accede to the plan of adjustment proposed by the President; and we know that they will not agree to adopt the spirit of the Missouri compromise. And then, in confirmation of this gloomy picture, it is solemnly announced, that if the measure before the Senate be defeated, there can be no hope that any other can or will be adopted. I protest, a distracted country protests, the cause of freedom throughout the world protests, against that position.

Mr. CLAY. Will the Senator allow me a word of explanation?

Mr. BELL. With pleasure.

Mr. CLAY. I have never said that this plan, and this plan only, could command my approbation. So far from it, I have said, show me any plan that will pacify the country and give peace and harmony, and I will dismiss all my feelings of pride, all feelings connected with any aid I have given in conducting this plan. Nor did I ever say in reference to California that I would not vote for her admission if this plan were not adopted, but quite the contrary. I have said, from the first to the last, I was in favor of a combination of measures, as containing equivalents and concessions, and more likely to pass the two Houses of Congress. But that being admitted, I was prepared to vote for the admission of California also. I know my friend does not intend to misrepresent me, but I have no attachment to any plan. If I saw in the plan of the President a plan which would settle these great questions, I would embrace it with pleasure, and I would trample my own under my feet. Yes, sir, I would embrace any plan, come from what source it may, which will accomplish the great objects of peace and concord.

Mr. BELL. These are noble sentiments, and such as we had a right to expect from the character of the Senator; but I must say that it has been understood, and it has gone to the country, that this is the only plan of adjustment that can succeed, and that if it should fail, all the evils of increased agitation at the North and at the South, and still greater excitement, perhaps civil war, would ensue. And the honorable Senator must permit me to say that he did listen to the declaration of the Senator from Maine—

Mr. CLAY. I heard all that was said by that Senator, and I have listened to what others have said, and I appeal to the Senate if it is not rarely that I do any injustice to any speaker? I have

thought, and have come to the conclusion, that this plan is only likely to succeed. With respect to the admission of California separately, I know nothing more than the Senator himself. He knows what has been threatened and what is likely to occur in the other House. He knows and I believe every Senator knows, that, with regard to the employment of parliamentary tactics and the management of the calling of the House, and the yeas and nays, or any other means for defeating the admission of California separately, they never met my approbation. I stated the fact on information which the honorable Senator from Tennessee and every other Senator has in regard to it, and it was upon that information that I avowed the opinion that this plan was more likely to pass the House, and be well received at the South and in all parts of the country. I have embraced the opinion I have given—that, if it fails, no other comprehensive scheme is likely to succeed.

Mr. BELL. These are sentiments which the Senator from Kentucky has repeatedly uttered. But I had supposed from many circumstances which have recently attracted my attention, that the resolution had been irrevocably taken, "Here I plant myself; I will do my duty to my conscience, in supporting this measure, and if I fail, I will go to the country with confidence;" and I therefore hope that the honorable Senator will excuse any remarks that may seem to be unjust to him. I thought I had seen a disposition in him and other honorable Senators to say, "This or nothing;" "Here I take my stand, and, whatever may be the consequence, I will not be moved from it; I will go to the country on this issue." And I thought I saw in the late elaborate speech of the honorable Senator from Michigan [Mr. Cass] an appeal to the country, in anticipation of the defeat of this bill. I was sorry for it.

But this is not in accordance with the sentiment announced by the Senator from Kentucky [Mr. CLAY] to-day, and I am happy to find that I have misunderstood him; I have only further to say to the honorable Senator from Kentucky, that when the Senator from Mississippi [Mr. Foote] the other day was denouncing the policy of extending protection to New Mexico against forcible dismemberment as murderous, and in violation of State sovereignty, I regretted that he did not rise in his place and announce his dissent from the sentiment.

Mr. CLAY. Perhaps the Senator himself should have done it.

Mr. BELL. No, sir, I have taken no lead in these discussions, but I felt that after the high stand the Senator from Kentucky had taken upon this point, I should have been happy to hear him reiterate sentiments which so well became an American statesman; and I did not know how to regard his silence when he heard an earnest sup-

porter of this bill arraign the policy of the Executive in relation to this point, and when his attention must have been called to it.

The gentlemen from Ohio, [Mr. CHASE,] New York, [Mr. SEWARD,] and New Hampshire, [Mr. HALE,] talk about the cause of freedom. I wish, sir, I had the strength to speak as I wish about the cause of freedom. Paradoxical as it may appear, this question is one that concerns the cause of freedom in the South as well as in the North. It is not a question whether you will permit a few slaves of the South to go and toil in California or New Mexico, but it is a question of freedom everywhere. The cause of freedom is wrapped up in the Constitution and in the Union. These are the great bulwarks—the Chinese wall of freedom. These once broken down, anarchy and military despotism become our inheritance. This is the stake, to some extent, at issue now. If we allow faction—fanatical or political—preconceived opinions—prejudice or partiality for particular plans or modes of adjustment to sway our course, we strike a blow at the common liberty. No man can be justified before the country, under such circumstances, in taking the position that he will accede to nothing but what his own judgment prescribes. I have no favorite plan for the settlement of these questions, to which I would adhere to the exclusion of all others. I have expressed my readiness to acquiesce in the plan of the President, connecting with it the settlement of the Texas boundary. I proposed a broader platform, one containing all the questions likely to arise in the future out of the Texas annexation resolutions. I have announced my willingness to go for the Missouri compromise in its true spirit—an allotment of territory to be open to the admission of slavery. I have expressed the opinion that, had the great minds which have taken the lead upon this subject so resolved, either of these plans could have been carried. A storm of agitation and excitement would have reigned for a time, but then we should sooner have had permanent quiet. That would have been a healing of wounds within, and no mere plastering upon the surface. In securing the adoption of such a measure, I would not agree with the Senator from Kentucky in deprecating any recourse to extraordinary tactics in parliamentary proceedings. I would stand, in such a cause, upon every privilege allowed by the letter of the Constitution. I would fight the battles upon these questions, not in the field of Mars, but in the Halls of Congress. Sir, I shall be ready to yield my concurrence to any measure which holds out the remotest prospect of restoring peace and harmony to the country. And whatever doubts I may entertain of the efficacy of the one now presented for the decision of the Senate, I expect to give it my vote, unless I shall see that some other more acceptable measure is likely to find favor with Congress.